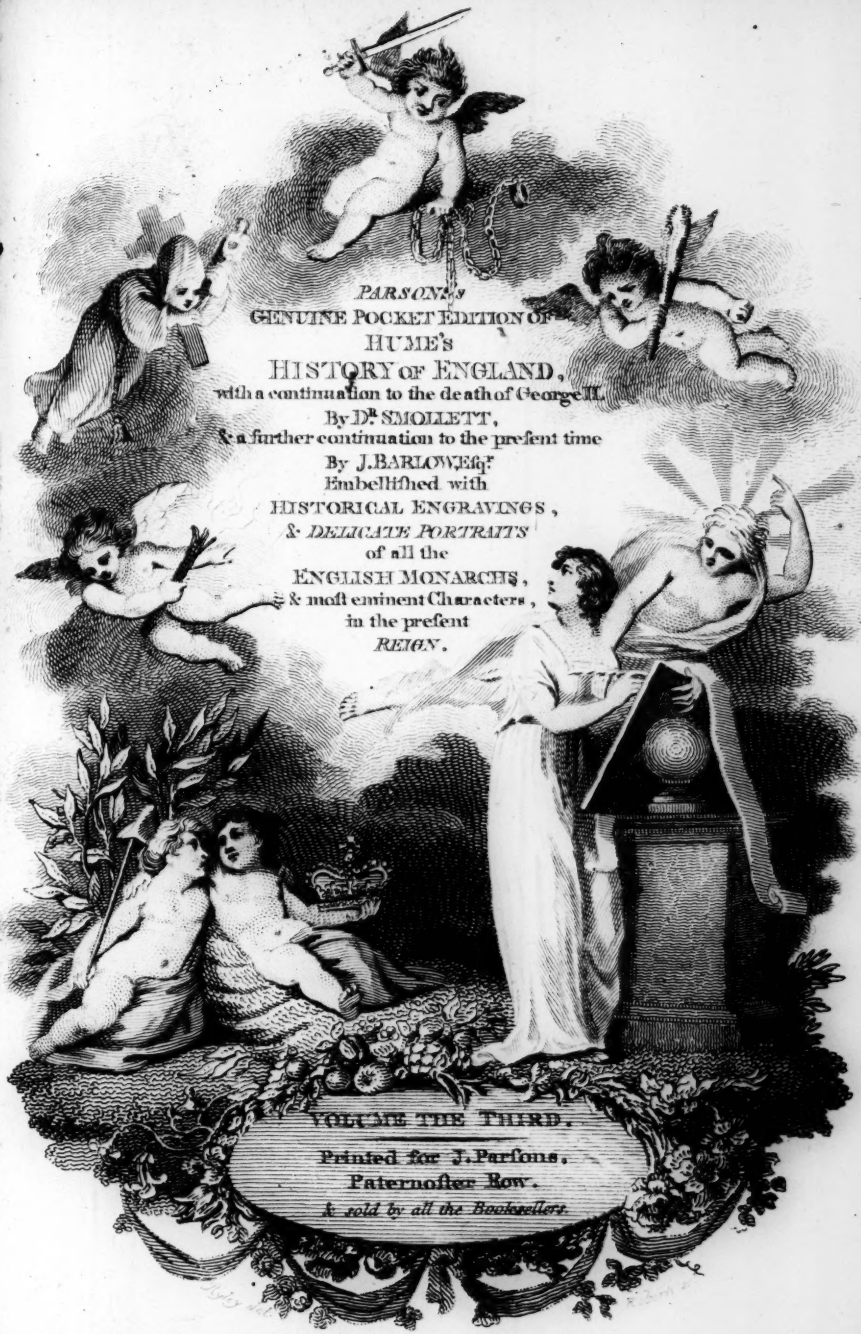
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THE

HISTORY

OF

ENGLAND,

FROM THE

INVASION OF JULIUS CÆSAR

TO

The REVOLUTION *in* 1688.

By DAVID HUME, Esq.

TO WHICH IS PREFIXED,

A SHORT ACCOUNT OF HIS LIFE,

WRITTEN BY HIMSELF.

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EDWARD I.

THE

Hiſtory of England.

CHAP. XIII.

EDWARD I.

Civil adminiſtration of the king—Conqueſt of Wales—Affairs of Scotland—Competitors for the crown of Scotland—Reference to Edward—Homage of Scotland—Award of Edward in favour of Baliol—War with France—Digreſſion concerning the conſtitution of parliament—War with Scotland—Scotland ſubdued—War with France—Diſſenſions with the clergy—Arbitrary meaſures—Peace with France—Revolt of Scotland—That kingdom again ſubdued—again revolts—is again ſubdued—Robert Bruce—Third revolt of Scotland—Death and character of the king—Miſcellaneous tranſactions of this reign.

THE Engliſh were as yet ſo little enured to obedience under a regular government, that the death of almoſt every king, ſince the Conqueſt, had been attended with diſorders; and the council, reflecting on the recent civil wars, and on the animoſities which naturally remain after theſe great convulſions, had reaſon to apprehend dangerous conſequences from the abſence of the ſon and ſucceſſor of Henry. They therefore haſtened to proclaim prince Edward, to ſwear allegiance to him, and to ſummon the ſtates of the kingdom, in order to provide for the public peace in this important conjuncture. Walter Giffard archbiſhop of York, the

earl of Cornwal, ſon of Richard king of the Romans, and the earl of Gloceſter, were appointed guardians of the realm, and proceeded peaceably to the exerciſe of their authority, without either meeting with oppoſition from any of the people, or being diſturbed with emulation and faction among themſelves. The high character acquired by Edward during the late commotions, his military genius, his ſucceſs in ſubduing the rebels, his moderation in ſettling the kingdom, had procured him great eſteem, mixed with affection, among all orders of men; and no one could reaſonably entertain hopes of making any advantage of his abſence, or of raiſing diſturbance in the nation. The earl of Gloceſter himſelf, whoſe great power and turbulent ſpirit had excited moſt jealouſy, was forward to give proofs of his allegiance; and the other malcontents, being deſtitute of a leader, were obliged to remain in ſubmiſſion to the government.

Prince Edward had reached Sicily in his return from the Holy Land, when he received intelligence of the death of his father; and he diſcovered a deep concern on the occaſion. At the ſame time he learned the death of an infant ſon, John, whom his princeſs, Eleanor of Caſtile, had born him at Acre in Paleſtine; and as he appeared much leſs affected with that misfortune, the king of Sicily expreſſed a ſurpriſe at this difference of ſentiment: But was told by Edward, that the death of a ſon was a loſs which he might hope to repair; the death of a father was a loſs irreparable.

Edward proceeded homeward; but as he ſoon learned the quiet ſettlement of the kingdom, he was in no hurry to take poſſeſſion of the throne, but ſpent near a year in France, before he made his appearance in England. In his paſſage by Chalons in Burgundy, he was challenged by the prince of the country to a tournament which he was preparing; and as Edward excelled in thoſe martial and dangerous exerciſes, the true image of war, he declined not the opportunity of acquiring honour in that great aſſembly of the neighbouring

bouring nobles. But the image of war was here unfortunately turned into the thing itſelf. Edward and his retinue were ſo ſucceſsful in the jouſts, that the French knights, provoked at their ſuperiority, made a ſerious attack upon them, which was repulſed, and much blood was idly ſhed in the quarrel. This rencounter received the name of the petty battle of Chalons.

Edward went from Chalons to Paris, and did homage to Philip for the dominions which he held in France. He thence returned to Guienne (1274), and ſettled that province, which was in ſome confuſion. He made his journey to London through France; in his paſſage he accommodated at Montreuil a difference with Margaret counteſs of Flanders, heireſs of that territory; he was received with joyful acclamations by his people, and was ſolemnly crowned at Weſtminſter (Auguſt 19) by Robert archbiſhop of Canterbury.

The king immediately applied himſelf to the re-eſtabliſhment of his kingdom, and to the correcting of thoſe diſorders which the civil commotions and the looſe adminiſtration of his father had introduced into every part of government. The plan of his policy was equally generous and prudent. He conſidered the great barons both as the immediate rivals of the crown, and oppreſſors of the people; and he purpoſed, by an exact diſtribution of juſtice, and a rigid execution of the laws, to give at once protection to the inferior orders of the ſtate, and to diminiſh the arbitrary power of the great, on which their dangerous authority was chiefly founded. Making it a rule in his own conduct to obſerve, except on extraordinary occaſions, the privileges ſecured to them by the Great Charter, he acquired a right to inſiſt upon their obſervance of the ſame charter towards their vaſſals and inferiors; and he made the crown be regarded by all the gentry and commonalty of the kingdom, as the fo ntain of juſt ce, and the general aſylum againſt oppreſſ on. Beſides enacting ſeveral uſeful ſtatutes, in a parliament which he ſummoned at Weſtminſter (1275,

16th February), he took care to inſpect the conduct of all his magiſtrates and judges, to diſplace ſuch as were either negligent or corrupt, to provide them with ſufficient force for the execution of juſtice, to extirpate all bands and confederacies of robbers, and to repreſs thoſe more ſilent robberies which were committed either by the power of the nobles, or under the countenance of public authority. By this rigid adminiſtration, the face of the kingdom was ſoon changed; and order and juſtice took place of violence and oppreſſion: But amidſt the excellent inſtitutions and public-ſpirited plans of Edward, there ſtill appears ſomewhat both of the ſeverity of his perſonal character, and of the prejudices of the times.

As the various kinds of malefactors, the murderers, robbers, incendiaries, raviſhers, and plunderers, had become ſo numerous and powerful, that the ordinary miniſters of juſtice, eſpecially in the weſtern counties, were afraid to execute the laws againſt them, the king found it neceſſary to provide an extraordinary remedy for the evil; and he erected a new tribunal which, however uſeful, would have been deemed, in times of more regular liberty, a great ſtretch of illegal and arbitrary power. It conſiſted of commiſſioners, who were empowered to inquire into diſorders and crimes of all kinds, and to inflict the proper puniſhments upon them. The officers, charged with this unuſual commiſſion, made their circuits throughout the counties of England moſt infeſted with this evil, and carried terror into all thoſe parts of the kingdom. In their zeal to puniſh crimes, they did not ſufficiently diſtinguiſh between the innocent and guilty; the ſmalleſt ſuſpicion became a ground of accuſation and trial; the ſlighteſt evidence was received againſt criminals; priſons were crowded with malefactors, real or pretended; ſevere fines were levied for ſmall offences; and the king, though his exhauſted exchequer was ſupplied by this expedient, found it neceſſary to ſtop the courſe of ſo great rigour; and after terrifying and diſſipating, by this tribunal, the gangs of

of diſorderly people in England, he prudently annulled the commiſſion *, and never afterwards renewed it.

Among the various diſorders to which the kingdom was ſubject, no one was more univerſally complained of than the adulteration of the coin; and as this crime required more art than the Engliſh of that age, who chiefly employed force and violence in their iniquities, were poſſeſſed of, the imputation fell upon the Jews. Edward alſo ſeems to have indulged a ſtrong prepoſſeſſion againſt that nation; and this ill-judged zeal for Chriſtianity being naturally augmented by an expedition to the Holy Land, he let looſe the whole rigour of his juſtice againſt that unhappy people. Two hundred and eighty of them were hanged at once for this crime in London alone, beſides thoſe who ſuffered in other parts of the kingdom. The houſes and lands (for the Jews had of late ventured to make purchaſes of that kind), as well as the goods of great multitudes, were ſold and confiſcated: And the king, leſt it ſhould be ſuſpected that the riches of the ſufferers were the chief part of their guilt, ordered a moiety of the money raiſed by theſe confiſcations to be ſet apart and beſtowed upon ſuch as were willing to be converted to Chriſtianity. But reſentment was more prevalent with them than any temptation from their poverty; and very few of them could be induced by intereſt to embrace the religion of their perſecutors. The miſeries of this people did not here terminate. Though the arbitrary talliages and exactions levied upon them had yielded a conſtant and conſiderable revenue to the crown; Edward, prompted by his zeal and his rapacity, reſolved ſome time after † to purge the kingdom entirely of that hated race, and to ſeize to himſelf at once their whole property as the reward of his labour. He left

* Spelman's Gloſſ. in verbo *Trailbaſton*. But Spelman was either miſtaken in placing this commiſſion in the fifth year of the king, or it was renewed in 1305.

† In the year 1290.

them

them only money ſufficient to bear their charges into foreign countries, where new perſecutions and extortions awaited them: But the inhabitants of the cinque-ports, imitating the bigotry and avidity of their ſovereign, deſpoiled moſt of them of this ſmall pittance, and even threw many of them into the ſea: A crime for which the king, who was determined to be the ſole plunderer in his dominions, inflicted a capital puniſhment upon them. No leſs than fifteen thouſand Jews were at this time robbed of their effects, and baniſhed the kingdom: Very few of that nation have ſince lived in England: And as it is impoſſible for a nation to ſubſiſt without lenders of money, and none will lend without a compenſation, the practice of uſury, as it was then called, was thenceforth exerciſed by the Engliſh themſelves upon their fellow-citizens, or by Lombards and other foreigners. It is very much to be queſtioned whether the dealings of theſe new uſurers were equally open and unexceptionable with thoſe of the old. By a law of Richard it was enacted, that three copies ſhould be made of every bond given to a Jew; one to be put into the hands of a public magiſtrate, another into thoſe of a man of credit, and a third to remain with the Jew himſelf. But as the canon law, ſeconded by the municipal, permitted no Chriſtian to take intereſt, all tranſactions of this kind muſt, after the baniſhment of the Jews, have become more ſecret and clandeſtine; and the lender, of conſequence, be paid both for the uſe of his money, and for the infamy and danger which he incurred by lending it.

The great poverty of the crown, though no excuſe, was probably the cauſe of this egregious tyranny exerciſed againſt the Jews; but Edward alſo practiſed other more honourable means of remedying that evil. He employed a ſtrict frugality in the management and diſtribution of his revenue: He engaged the parliament to vote him a fifteenth of all moveables; the pope to grant him the tenth of all eccleſiaſtical revenues for three years; and the merchants to conſent to a perpetual impoſition of half a mark on every ſack of wool exported, and a mark on

on three hundred ſkins. He alſo iſſued commiſſions to inquire into all encroachments on the royal demeſne; into the value of eſcheats, forfeitures, and wardſhips; and into the means of repairing or improving every branch of the revenue. The commiſſioners, in the execution of their office, began to carry matters too far againſt the nobility, and to queſtion titles to eſtates which had been tranſmitted from father to ſon for ſeveral generations. Earl Warenne, who had done ſuch eminent ſervice in the late reign, being required to ſhew his titles, drew his ſword; and ſubjoined, that William the Baſtard had not conquered the kingdom for himſelf alone: His anceſtor was a joint adventurer in the enterpriſe; and he himſelf was determined to maintain what had from that period remained unqueſtioned in his family. The king, ſenſible of the danger, deſiſted from making farther inquiries of this nature.

(1276.) But the active ſpirit of Edward could not long remain without employment. He ſoon after undertook an enterpriſe more prudent for himſelf, and more advantageous to his people. Lewellyn, prince of Wales, had been deeply engaged with the Mountfort faction; had entered into all their conſpiracies againſt the crown; had frequently fought on their ſide; and till the battle of Eveſham, ſo fatal to that party, had employed every expedient to depreſs the royal cauſe, and to promote the ſucceſs of the barons. In the general accommodation made with the vanquiſhed, Lewellyn had alſo obtained his pardon; but as he was the moſt powerful, and therefore the moſt obnoxious vaſſal of the crown, he had reaſon to entertain anxiety about his ſituation, and to dread the future effects of reſentment and jealouſy in the Engliſh monarch. For this reaſon, he determined to provide for his ſecurity, by maintaining a ſecret correſpondence with his former aſſociates; and he even made his addreſſes to a daughter of the earl of Leiceſter, who was ſent to him from beyond ſea, but being intercepted in her paſſage near the iſles of Scilly, was detained in the court of England. This incident increaſing the mutual jealouſy between Edward

Edward and Lewellyn, the latter, when required to come to England, and do homage to the new king, ſcrupled to put himſelf in the hands of an enemy, deſired a ſafe-conduct from Edward, inſiſted upon having the king's ſon and other noblemen delivered to him as hoſtages, and demanded that his conſort ſhould previouſly be ſet at liberty. The king having now brought the ſtate to a full ſettlement, was not diſpleaſed with this occaſion of exerciſing his authority, and ſubduing entirely the principality of Wales. He refuſed all Lewellyn's demands, except that of a ſafe-conduct; ſent him repeated ſummons to perform the duty of a vaſſal; levied an army to reduce him to obedience; obtained a new aid of a fifteenth from parliament; and marched out with certain aſſurance of ſucceſs againſt the enemy (1277). Beſides the great diſproportion of force between the kingdom and the principality, the circumſtances of the two ſtates were entirely reverſed; and the ſame inteſtine diſſenſions which had formerly weakened England, now prevailed in Wales, and had even taken place in the reigning family. David and Roderic, brothers to Lewellyn, diſpoſſeſſed of their inheritance by that prince, had been obliged to have recourſe to the protection of Edward, and they ſeconded with all their intereſt, which was extenſive, his attempts to enſlave their native country. The Welſh prince had no reſource but in the inacceſſible ſituation of his mountains, which had hitherto through many ages defended his forefathers againſt all attempts of the Saxon and Norman conquerors; and he retired among the hills of Snowdun, reſolved to defend himſelf to the laſt extremity. But Edward, equally vigorous and cautious, entering by the north with a formidable army, pierced into the heart of the country; and having carefully explored every road before him, and ſecured every paſs behind him, approached the Welſh army in its laſt retreat. He here avoided the putting to trial the valour of a nation proud of its ancient independence, and inflamed with animoſity againſt its hereditary enemies; and he truſted to the ſlow but ſure effects

fects of famine for reducing that people to ſubjection. The rude and ſimple manners of the natives, as well as the mountainous ſituation of their country, had made them entirely neglect tillage, and truſt to paſturage alone for their ſubſiſtence: A method of life which had hitherto ſecured them againſt the irregular attempts of the Engliſh, but expoſed them to certain ruin, when the conqueſt of the country was ſteadily purſued, and prudently planned by Edward. Deſtitute of magazines, cooped up in a narrow corner, they, as well as their cattle, ſuffered all the rigours of famine; and Lewellyn, without being able to ſtrike a ſtroke for his independence, was at laſt obliged to ſubmit at diſcretion, and receive the terms impoſed upon him by the victor. He bound himſelf (19th Nov.) to pay to Edward 50,000 pounds, as a reparation of damages; to do homage to the crown of England; to permit all the other barons of Wales, except four near Snowdun, to ſwear fealty to the ſame crown; to relinquiſh the country between Cheſhire and the river Conway; to ſettle on his brother Roderic a thouſand marks a-year, and on David five hundred; and to deliver ten hoſtages as ſecurity for his future ſubmiſſion.

Edward, on the performance of the other articles, remitted to the prince of Wales the payment of the 50,000 pounds, which were ſtipulated by treaty, and which it is probable the poverty of the country made it abſolutely impoſſible for him to levy. But notwithſtanding this indulgence, complaints of iniquities ſoon aroſe on the ſide of the vanquiſhed: The Engliſh, inſolent on their eaſy and bloodleſs victory, oppreſſed the inhabitants of the diſtricts which were yielded to them: The lords marchers committed with impunity all kinds of violence on their Welſh neighbours: New and more ſevere terms were impoſed on Lewellyn himſelf; and Edward, when the prince attended him at Worceſter, exacted a promiſe that he would retain no perſon in his principality who ſhould be obnoxious to the Engliſh monarchy. There were other perſonal inſults which raiſed the indignation of the Welſh, and made them determine rather to encounter a force

force which they had already experienced to be ſo much ſuperior, than to bear oppreſſion from the haughty victors. Prince David, ſeized with the national ſpirit, made peace with his brother, and promiſed to concur in the defence of public liberty. The Welſh flew to arms; and Edward, not diſpleaſed with the occaſion of making his conqueſt final and abſolute, aſſembled all his military tenants, and advanced into Wales with an army which the inhabitants could not reaſonably hope to reſiſt. The ſituation of the country gave the Welſh at firſt ſome advantage over Luke de Tany, one of Edward's captains, who had paſſed the Menau with a detachment: But Lewellyn, being ſurpriſed by Mortimer, was defeated and ſlain in an action, and 2000 of his followers were put to the ſword. David, who ſucceeded him in the principality, could never collect an army ſufficient to face the Engliſh; and being chaſed from hill to hill, and hunted from one retreat to another, was obliged to conceal himſelf under various diſguiſes, and was at laſt betrayed in his lurking-place to the enemy. Edward ſent him in chains to Shrewſbury; and bringing him to a formal trial before all the peers of England, ordered this ſovereign prince to be hanged, drawn, and quartered, as a traitor, for defending by arms the liberties of his native country, together with his own hereditary authority. All the Welſh nobility ſubmitted to the conqueror; the laws of England, with the ſheriffs and other miniſters of juſtice, were eſtabliſhed in that principality (1283); and though it was long before national antipathies were extinguiſhed, and a thorough union attained between the people; yet this important conqueſt, which it had required eight hundred years fully to effect, was at laſt, through the abilities of Edward, completed by the Engliſh.

(1284.) The king, ſenſible that nothing kept alive the ideas of military valour and of ancient glory ſo much as the traditional poetry of the people, which, aſſiſted by the power of muſic and the jollity of feſtivals, made deep impreſſion on the minds of the youth, gathered together all the Welſh bards, and, from a barbarous, though

though not abſurd policy, ordered them to be put to death.

There prevails a vulgar ſtory, which, as it well ſuits the capacity of the monkiſh writers, is carefully recorded by them: That Edward, aſſembling the Welſh, promiſed to give them a prince of unexceptionable manners, a Welſhman by birth, and one who could ſpeak no other language. On their acclamations of joy, and promiſe of obedience, he inveſted in the principality his ſecond ſon Edward, then an infant, who had been born at Carnarvon. The death of his eldeſt ſon Alphonſo ſoon after made young Edward heir of the monarchy: The principality of Wales was fully annexed to the crown; and henceforth gives a title to the eldeſt ſon of the kings of England.

(1286.) The ſettlement of Wales appeared ſo complete to Edward, that in leſs than two years after he went abroad, in order to make peace between Alphonſo king of Arragon, and Philip the Fair, who had lately ſucceeded his father Philip the Hardy on the throne of France. The difference between theſe two princes had ariſen about the kingdom of Sicily, which the pope, after his hopes from England failed him, had beſtowed on Charles, brother to St. Lewis, and which was claimed upon other titles by Peter king of Arragon, father to Alphonſo. Edward had powers from both princes to ſettle the terms of peace, and he ſucceeded in his endeavours; but as the controverſy nowiſe regards England, we ſhall not enter into a detail of it. He ſtayed abroad above three years; and on his return found many diſorders to have prevailed, both from open violence, and from the corruption of juſtice.

Thomas Chamberlain, a gentleman of ſome note, had aſſembled ſeveral of his aſſociates at Boſton in Lincolnſhire, under pretence of holding a tournament, an exerciſe practiſed by the gentry only; but in reality with a view of plundering the rich fair of Boſton, and robbing the merchants. To facilitate his purpoſe, he privately ſet fire to the town; and while the inhabitants were employed in quenching the flames, the conſpirators

broke into the booths, and carried off the goods. Chamberlain himſelf was detected and hanged; but maintained ſo ſteadily the point of honour to his accomplices, that he could not be prevailed on, by offers or promiſes, to diſcover any of them. Many other inſtances of robbery and violence broke out in all parts of England, though the ſingular circumſtances attending this conſpiracy have made it alone be particularly recorded by hiſtorians.

(1289.) But the corruption of the judges, by which the fountains of juſtice were poiſoned, ſeemed of ſtill more dangerous conſequence. Edward, in order to remedy this prevailing abuſe, ſummoned a parliament, and brought the judges to a trial; where all of them, except two who were clergymen, were convicted of this flagrant iniquity, were fined and depoſed. The amount of the fines levied upon them is alone a ſufficient proof of their guilt; being above one hundred thouſand marks, an immenſe ſum in thoſe days, and ſufficient to defray the charges of an expenſive war between two great kingdoms. The king afterwards made all the new judges ſwear that they would take no bribes; but his expedient, of depoſing and fining the old ones, was the more effectual remedy.

We now come to give an account of the ſtate of affairs in Scotland, which gave riſe to the moſt intereſting tranſactions of this reign, and of ſome of the ſubſequent; though the intercourſe of that kingdom with England, either in peace or war, had hitherto produced ſo few events of moment, that, to avoid tediouſneſs, we have omitted many of them, and have been very conciſe in relating the reſt. If the Scots had before this period any real hiſtory worthy of the name, except what they glean from ſcattered paſſages in the Engliſh hiſtorians, thoſe events, however minute, yet being the only foreign tranſactions of the nation, might deſerve a place in it.

Though the government of Scotland had been continually expoſed to thoſe factions and convulſions which are incident to all barbarous, and to many civilized nations;

nations; and though the ſucceſſions of their kings, the only part of their hiſtory which deſerves any credit, had often been diſordered by irregularities and uſurpations, the true heir of the royal family had ſtill in the end prevailed, and Alexander III. who had eſpouſed the ſiſter of Edward, probably inherited, after a period of about eight hundred years, and through a ſucceſſion of males, the ſceptre of all the Scottiſh princes who had governed the nation ſince its firſt eſtabliſhment in the iſland. This prince died in 1286 by a fall from his horſe at Kinghorn, without leaving any male iſſue, and without any deſcendant, except Margaret, born of Eric king of Norway, and of Margaret daughter of the Scottiſh monarch. This princeſs, commonly called the Maid of Norway, though a female, and an infant, and a foreigner, yet being the lawful heir of the kingdom, had, through her grandfather's care, been recogniſed ſucceſſor by the ſtates of Scotland; and on Alexander's death, the diſpoſitions which had been previouſly made againſt that event, appeared ſo juſt and prudent, that no diſorders, as might naturally be apprehended, enſued in the kingdom. Margaret was acknowledged queen of Scotland; five guardians, the biſhops of St. Andrews and Glaſgow, the earls of Fife and Buchan, and James ſteward of Scotland, entered peaceably upon the adminiſtration; and the infant princeſs, under the protection of Edward her great uncle, and Eric her father, who exerted themſelves on this occaſion, ſeemed firmly ſeated on the throne of Scotland. The Engliſh monarch was naturally led to build mighty projects on this incident; and having lately by force of arms brought Wales under ſubjection, he attempted, by the marriage of Margaret with his eldeſt ſon Edward, to unite the whole iſland into one monarchy, and thereby to give it ſecurity both againſt domeſtic convulſions and foreign invaſions. (1290.) The amity which had of late prevailed between the two nations, and which, even in former times, had never been interrupted by any violent wars or injuries, facilitated extremely the execution of this project, ſo favourable to the happineſs

and grandeur of both kingdoms; and the ſtates of Scotland readily gave their aſſent to the Engliſh propoſals, and even agreed that their young ſovereign ſhould be educated in the court of Edward. Anxious, however, for the liberty and independency of their country, they took care to ſtipulate very equitable conditions, ere they entruſted themſelves into the hands of ſo great and ſo ambitious a monarch. It was agreed that they ſhould enjoy all their ancient laws, liberties, and cuſtoms; that in caſe young Edward and Margaret ſhould die without iſſue, the crown of Scotland ſhould revert to the next heir, and ſhould be inherited by him free and independent; that the military tenants of the crown ſhould never be obliged to go out of Scotland, in order to do homage to the ſovereign of the united kingdoms, nor the chapters of cathedral, collegiate, or conventual churches, in order to make elections; that the parliaments ſummoned for Scottiſh affairs ſhould always be held within the bounds of that kingdom; and that Edward ſhould bind himſelf under the penalty of 100,000 marks, payable to the pope for the uſe of the holy wars, to obſerve all theſe articles. It is not eaſy to conceive that two nations could have treated more on a foot of equality than Scotland and England maintained during the whole courſe of this tranſaction: And though Edward gave his aſſent to the article concerning the future independency of the Scottiſh crown, with a *ſaving of his former rights*; this reſerve gave no alarm to the nobility of Scotland, both becauſe theſe rights, having hitherto been little heard of, had occaſioned no diſturbance, and becauſe the Scots had ſo near a proſpect of ſeeing them entirely abſorbed in the rights of their ſovereignty.

(1291.) But this project, ſo happily formed and ſo amicably conducted, failed of ſucceſs, by the ſudden death of the Norvegian princeſs, who expired on her paſſage to Scotland, and left a very diſmal proſpect to the kingdom. Though diſorders were for the preſent obviated by the authority of the regency formerly eſtabliſhed, the ſucceſſion itſelf of the crown was now become

become an object of diſpute; and the regents could not expect that a controverſy, which is not uſually decided by reaſon and argument alone, would be peaceably ſettled by them, or even by the ſtates of the kingdom, amidſt ſo many powerful pretenders. The poſterity of William king of Scotland, the prince taken priſoner by Henry II. being all extinct by the death of Margaret of Norway; the right to the crown devolved on the iſſue of David earl of Huntingdon, brother to William, whoſe male line being alſo extinct, left the ſucceſſion open to the poſterity of his daughters. The earl of Huntingdon had three daughters; Margaret, married to Alan lord of Galloway, Iſabella, wife of Robert Brus or Bruce, lord of Annandale, and Adama, who eſpouſed Henry lord Haſtings. Margaret, the eldeſt of the ſiſters, left one daughter, Devergilda, married to John Baliol, by whom ſhe had a ſon of the ſame name, one of the preſent competitors for the crown: Iſabella, the ſecond, bore a ſon, Robert Bruce, who was now alive, and who alſo inſiſted on his claim: Adama, the third, left a ſon, John Haſtings, who pretended that the kingdom of Scotland, like many other inheritances, was diviſible among the three daughters of the earl of Huntingdon, and that he, in right of his mother, had a title to a third of it. Baliol and Bruce united againſt Haſtings, in maintaining that the kingdom was indiviſible; but each of them, ſupported by plauſible reaſons, aſſerted the preference of his own title. Baliol was ſprung from the elder branch: Bruce was one degree nearer the common ſtock: If the principle of repreſentation was regarded, the former had the better claim: If propinquity was conſidered, the latter was entitled to the preference: The ſentiments of men were divided: All the nobility had taken part on one ſide or the other: The people followed implicitly their leaders: The two claimants themſelves had great power and numerous retainers in Scotland: And it is no wonder that, among a rude people, more accuſtomed to arms than enured to laws, a controverſy of this nature, which could not be decided by any former precedent among

them, and which is capable of exciting commotions in the moſt legal and beſt eſtabliſhed governments, ſhould threaten the ſtate with the moſt fatal convulſions.

Each century has its peculiar mode in conducting buſineſs; and men, guided more by cuſtom than by reaſon, follow, without inquiry, the manners which are prevalent in their own time. The practice of that age, in controverſies between ſtates and princes, ſeems to have been to chuſe a foreign prince, as an equal arbiter, by whom the queſtion was decided, and whoſe ſentence prevented thoſe diſmal confuſions and diſorders, inſeparable at all times from war, but which were multiplied a hundred-fold, and diſperſed into every corner, by the nature of the feudal governments. It was thus that the Engliſh king and barons, in the preceding reign, had endeavoured to compoſe their diſſenſions by a reference to the king of France; and the celebrated integrity of that monarch had prevented all the bad effects which might naturally have been dreaded from ſo perilous an expedient. It was thus that the kings of France and Arragon, and afterwards other princes, had ſubmitted their controverſies to Edward's judgment; and the remoteneſs of their ſtates, the great power of the princes, and the little intereſt which he had on either ſide, had induced him to acquit himſelf with honour in his deciſions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the Engliſh monarch, as well as by the preſent amicable correſpondence between the kingdoms, agreed in making a reference to Edward; and Fraſer biſhop of St. Andrews, with other deputies, was ſent to notify to him their reſolution, and to claim his good offices in the preſent dangers to which they were expoſed. His inclination, they flattered themſelves, led him to prevent their diſſenſions, and to interpoſe with a power which none of the competitors would dare to withſtand: When this expedient was propoſed by one party, the other deemed it dangerous to object to it: Indifferent perſons thought that the imminent perils of a civil war would thereby be prevented: And

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no one reflected on the ambitious character of Edward, and the almoſt certain ruin which muſt attend a ſmall ſtate, divided by faction, when it thus implicitly ſubmits itſelf to the will of ſo powerful and encroaching a neighbour.

The temptation was too ſtrong for the virtue of the Engliſh monarch to reſiſt. He purpoſed to lay hold of the preſent favourable opportunity, and if not to create, at leaſt to revive, his claim of a feudal ſuperiority over Scotland; a claim which had hitherto lain in the deepeſt obſcurity, and which, if ever it had been an object of attention, or had been ſo much as ſuſpected, would have effectually prevented the Scottiſh barons from chuſing him for an umpire. He well knew, that, if this pretenſion were once ſubmitted to, as it ſeemed difficult, in the preſent ſituation of Scotland, to oppoſe it, the abſolute ſovereignty of that kingdom (which had been the caſe with Wales) would ſoon follow; and that one great vaſſal, cooped up in an iſland with his liege lord, without reſource from foreign powers, without aid from any fellow-vaſſals, could not long maintain his dominions againſt the efforts of a mighty kingdom, aſſiſted by all the cavils which the feudal law afforded his ſuperior againſt him. In purſuit of this great object, very advantageous to England, perhaps in the end no leſs beneficial to Scotland, but extremely unjuſt and iniquitous in itſelf, Edward buſied himſelf in ſearching for proofs of his pretended ſuperiority; and inſtead of looking into his own archives, which, if his claim had been real, muſt have afforded him numerous records of the homages done by the Scottiſh princes, and could alone yield him any authentic teſtimony, he made all the monaſteries be ranſacked for old chronicles and hiſtories written by Engliſhmen, and he collected all the paſſages which ſeemed anywiſe to favour his pretenſions. Yet even in this method of proceeding, which muſt have diſcovered to himſelf the injuſtice of his claim, he was far from being fortunate. He began his proofs from the time of Edward the Elder, and continued them through all the ſubſequent Saxon and Norman times; but

but produced nothing to his purpoſe. The whole amount of his authorities during the Saxon period, when ſtripped of the bombaſt and inaccurate ſtyle of the monkiſh hiſtorians, is, that the Scots had ſometimes been defeated by the Engliſh, had received peace on diſadvantageous terms, had made ſubmiſſions to the Engliſh monarch, and had even perhaps fallen into ſome dependance on a power which was ſo much ſuperior, and which they had not at that time ſufficient force to reſiſt. His authorities from the Norman period were, if poſſible, ſtill leſs concluſive: The hiſtorians indeed make frequent mention of homage done by the northern potentate; but no one of them ſays that it was done for his kingdom; and ſeveral of them declare, in expreſs terms, that it was relative only to the fiefs which he enjoyed ſouth of the Tweed; in the ſame manner as the king of England himſelf ſwore fealty to the French monarch for the fiefs which he inherited in France. And to ſuch ſcandalous ſhifts was Edward reduced, that he quotes a paſſage from Hoveden, where it is aſſerted, that a Scottiſh king had done homage to England; but he purpoſely omits the latter part of the ſentence, which expreſſes that this prince did homage for the lands which he held in England.

When William king of Scotland was taken priſoner in the battle of Alnwic, he was obliged, for the recovery of his liberty, to ſwear fealty to the victor for his crown itſelf. The deed was performed according to all the rites of the feudal law: The record was preſerved in the Engliſh archives, and is mentioned by all the hiſtorians: But as it is the only one of the kind, and as hiſtorians ſpeak of this ſuperiority as a great acquiſition gained by the fortunate arms of Henry II. there can remain no doubt, that the kingdom of Scotland was, in all former periods, entirely free and independent. Its ſubjection continued a very few years: King Richard, deſirous, before his departure for the Holy Land, to conciliate the friendſhip of William, renounced that homage, which, he ſays in expreſs terms, had been extorted by his father; and he only retained the uſual homage

homage which had been done by the Scottiſh princes for the lands which they held in England.

But though this tranſaction rendered the independence of Scotland ſtill more unqueſtionable, than if no fealty had ever been ſworn to the Engliſh crown; the Scottiſh kings, appriſed of the point aimed at by their powerful neighbours, ſeem for a long time to have retained ſome jealouſy on that head, and, in doing homage, to have anxiouſly obviated all ſuch pretenſions. When William in 1200 did homage to John at Lincoln, he was careful to inſert a ſalvo for his royal dignity: When Alexander III. ſent aſſiſtance to his father-in-law Henry III. during the wars of the barons, he previouſly procured an acknowledgment, that this aid was granted only from friendſhip, not from any right claimed by the Engliſh monarch: And when the ſame prince was invited to aſſiſt at the coronation of this very Edward, he declined attendance, till he received a like acknowledgment *.

But as all theſe reaſons (and ſtronger could not be produced) were but a feeble rampart againſt the power of the ſword, Edward, carrying with him a great army, which was to enforce his proofs, advanced to the frontiers, and invited the Scottiſh parliament, and all the competitors, to attend him in the caſtle of Norham, a place ſituated on the ſouthern banks of the Tweed, in order to determine that cauſe which had been referred to his arbitration. But though this deference ſeemed due to ſo great a monarch, and was no more than what his father and the Engliſh barons had, in ſimilar circumſtances, paid to Lewis IX., the king, careful not to give umbrage, and determined never to produce his claim, till it ſhould be too late to think of oppoſition, ſent the Scottiſh barons an acknowledgment, that, though at that time they paſſed the frontiers, this ſtep ſhould never be drawn into precedent, or afford the Engliſh kings a pretence for exacting a like ſubmiſſion in any future tranſaction. When the whole Scottiſh nation had thus unwarily put themſelves in his power, Edward opened

* See note [A] at the end of the volume.

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the conferences at Norham (10th May): He informed the parliament, by the mouth of Roger le Brabancon, his chief juſticiary, that he was come thither to determine the right among the competitors to their crown; that he was determined to do ſtrict juſtice to all parties; and that he was entitled to this authority, not in virtue of the reference made to him, but in quality of ſuperior and liege lord of the kingdom *. He then produced his proofs of this ſuperiority, which he pretended to be unqueſtionable, and he required of them an acknowledgment of it; a demand which was ſuperfluous, if the fact were already known and avowed, and which plainly betrays Edward's conſciouſneſs of his lame and defective title. The Scottiſh parliament was aſtoniſhed at ſo new a pretenſion, and anſwered only by their ſilence. But the king, in order to maintain the appearance of free and regular proceedings, deſired them to remove into their own country, to deliberate upon his claim, to examine his proofs, to propoſe all their objections, and to inform him of their reſolution: And he appointed a plain at Upſettleton, on the northern banks of the Tweed, for that purpoſe.

When the Scottiſh barons aſſembled in this place, though moved with indignation at the injuſtice of this unexpected claim, and at the fraud with which it had been conducted, they found themſelves betrayed into a ſituation, in which it was impoſſible for them to make any defence for the ancient liberty and independence of their country. The king of England, a martial and politic prince, at the head of a powerful army, lay at a very ſmall diſtance, and was only ſeparated from them by a river fordable in many places. Though by a ſudden flight ſome of them might themſelves be able to make their eſcape; what hopes could they entertain of ſecuring the kingdom againſt his future enterpriſes? Without a head, without union among themſelves, attached all of them to different competitors, whoſe title they had raſhly ſubmitted to the deciſion of this foreign

* See note [B] at the end of the volume.

uſurper,

uſurper, and who were thereby reduced to an abſolute dependance upon him; they could only expect, by reſiſtance, to entail on themſelves and their poſterity a more grievous and more deſtructive ſervitude. Yet, even in this deſperate ſtate of their affairs, the Scottiſh barons, as we learn from Walſingham *, one of the beſt hiſtorians of that period, had the courage to reply, that, till they had a king, they could take no reſolution on ſo momentous a point: The journal of king Edward ſays, that they made no anſwer at all: That is, perhaps, no *particular* anſwer or objection to Edward's claim: And by this ſolution it is poſſible to reconcile the journal with the hiſtorian. The king therefore, interpreting their ſilence as conſent, addreſſed himſelf to the ſeveral competitors, and previouſly to his pronouncing ſentence, required their acknowledgment of his ſuperiority.

It is evident from the genealogy of the royal family of Scotland, that there could only be two queſtions about the ſucceſſion, that between Baliol and Bruce on the one hand, and lord Haſtings on the other, concerning the partition of the crown; and that between Baliol and Bruce themſelves, concerning the preference of their reſpective titles, ſuppoſing the kingdom indiviſible: Yet there appeared on this occaſion no leſs than nine claimants beſides; John Comyn or Cummin lord of Badenoch, Florence earl of Holland, Patric Dunbar earl of March, William de Veſcey, Robert de Pynkeni, Nicholas de Soules, Patric Galythly, Roger de Mandeville, Robert de Roſs; not to mention the king of Norway, who claimed as heir to his daughter Margaret. Some of theſe competitors were deſcended from more remote branches of the royal family; others were even ſprung from illegitimate children; and as none of them had the leaſt pretence of right, it is natural to conjecture, that Edward had ſecretly encouraged them to appear in the

* It is ſaid by Hemingford, that the king menaced violently the Scotch barons, and forced them to compliance, at leaſt to ſilence.

liſt

liſt of claimants, that he might ſow the more diviſion among the Scottiſh nobility, make the cauſe appear the more intricate, and be able to chuſe, among a great number, the moſt obſequious candidate.

But he found them all equally obſequious on this occaſion. Robert Bruce was the firſt that acknowledged Edward's right of ſuperiority over Scotland; and he had ſo far foreſeen the king's pretenſions, that even in his petition, where he ſet forth his claim to the crown, he had previouſly applied to him as liege lord of the kingdom; a ſtep which was not taken by any of the other competitors. They all, however, with ſeeming willingneſs, made a like acknowledgment when required; though Baliol, leſt he ſhould give offence to the Scottiſh nation, had taken care to be abſent during the firſt days; and he was the laſt that recognized the king's title. Edward next deliberated concerning the method of proceeding in the diſcuſſion of this great controverſy. He gave orders, that Baliol, and ſuch of the competitors as adhered to him, ſhould chuſe forty commiſſioners; Bruce and his adherents forty more: To theſe the king added twenty-four Engliſhmen: He ordered theſe hundred and four commiſſioners to examine the cauſe deliberately among themſelves, and make their report to him: And he promiſed in the enſuing year to give his determination. Meanwhile he pretended that it was requiſite to have all the fortreſſes of Scotland delivered into his hands, in order to enable him, without oppoſition, to put the true heir in poſſeſſion of the crown; and this exorbitant demand was complied with, both by the ſtates and by the claimants. The governors alſo of all the caſtles immediately reſigned their command; except Umfreville earl of Angus, who refuſed, without a formal and particular acquittal from the parliament and the ſeveral claimants, to ſurrender his fortreſſes to ſo domineering an arbiter, who had given to Scotland ſo many juſt reaſons of ſuſpicion. Before this aſſembly broke up, which had fixed ſuch a mark of diſhonour on the nation, all the prelates and barons there preſent

ſwore fealty to Edward; and that prince appointed commiſſioners to receive a like oath from all the other barons and perſons of diſtinction in Scotland.

The king having finally made, as he imagined, this important acquiſition, left the commiſſioners to ſit at Berwic, and examine the titles of the ſeveral competitors who claimed the precarious crown, which Edward was willing for ſome time to allow the lawful heir to enjoy. He went ſouthwards, both in order to aſſiſt at the funeral of his mother queen Eleanor, who died about this time, and to compoſe ſome differences which had ariſen among the principal nobility. Gilbert earl of Gloceſter, the greateſt baron of the kingdom, had eſpouſed the king's daughter; and being elated by that alliance, and ſtill more by his own power, which, he thought, ſet him above the laws, he permitted his bailiffs and vaſſals to commit violence on the lands of Humphry Bohun earl of Hereford, who retaliated the injury by like violence. But this was not a reign in which ſuch illegal proceedings could paſs with impunity. Edward procured a ſentence againſt the two earls, committed them both to priſon, and would not reſtore them to their liberty till he exacted a fine of 1000 marks from Hereford, and one of 10,000 from his ſon-in-law.

(1292.) During this interval, the titles of John Baliol and of Robert Bruce, whoſe claims appeared to be the beſt founded among the competitors for the crown of Scotland, were the ſubject of general diſquiſition, as well as of debate among the commiſſioners. Edward, in order to give greater authority to his intended deciſion, propoſed this general queſtion both to the commiſſioners and to all the celebrated lawyers in Europe: Whether a perſon deſcended from the eldeſt ſiſter, but farther removed by one degree, were preferable, in the ſucceſſion of kingdoms, fiefs, and other indiviſible inheritances, to one deſcended from the younger ſiſter, but one degree nearer to the common ſtock? This was the true ſtate of the caſe; and the principle of repreſentation had now gained ſuch ground every-where, that a uniform anſwer was returned to the king in the affirmative. He there-

fore pronounced ſentence in favour of Baliol; and when Bruce, upon this diſappointment, joined afterwards lord Haſtings, and claimed a third of the kingdom, which he now pretended to be diviſible, Edward, though his intereſt ſeemed more to require the partition of Scotland, again pronounced ſentence in favour of Baliol. That competitor, upon his renewing his oath of fealty to England, was put in poſſeſſion of the kingdom; all his fortreſſes were reſtored to him; and the conduct of Edward, both in the deliberate ſolemnity of the proceedings, and in the juſtice of the award, was ſo far unexceptionable.

(1293.) Had the king entertained no other view than that of eſtabliſhing his ſuperiority over Scotland, though the iniquity of that claim was apparent, and was aggravated by the moſt egregious breach of truſt, he might have fixed his pretenſions, and have left that important acquiſition to his poſterity: But he immediately proceeded in ſuch a manner, as made it evident, that, not content with this uſurpation, he aimed alſo at the abſolute ſovereignty and dominion of the kingdom. Inſtead of gradually enuring the Scots to the yoke, and exerting his rights of ſuperiority with moderation, he encouraged all appeals to England; required king John himſelf, by ſix different ſummons on trivial occaſions, to come to London; refuſed him the privilege of defending his cauſe by a procurator; and obliged him to appear at the bar of his parliament as a private perſon. Theſe humiliating demands were hitherto quite unknown to a king of Scotland: They are, however, the neceſſary conſequence of vaſſalage by the feudal law; and as there was no preceding inſtance of ſuch treatment ſubmitted to by a prince of that country, Edward muſt, from that circumſtance alone, had there remained any doubt, have been himſelf convinced that his claim was altogether an uſurpation *. But his intention plainly was, to enrage Baliol by theſe indignities, to engage him in rebellion, and to aſſume the dominion of the ſtate, as the puniſhment of

* See note [C] at the end of the volume.

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his treaſon and felony. Accordingly Baliol, though a prince of a ſoft and gentle ſpirit, returned into Scotland highly provoked at this uſage, and determined at all hazards to vindicate his liberty; and the war which ſoon after broke out between France and England, gave him a favourable opportunity of executing his purpoſe.

The violence, robberies, and diſorders, to which that age was ſo ſubject, were not confined to the licentious barons and their retainers at land: The ſea was equally infeſted with piracy: The feeble execution of the laws had given licenſe to all orders of men: And a general appetite for rapine and revenge, ſupported by a falſe point of honour, had alſo infected the merchants and mariners; and it puſhed them, on any provocation, to ſeek redreſs by immediate retaliation upon the aggreſſors. A Norman and an Engliſh veſſel met off the coaſt near Bayonne; and both of them having occaſion for water, they ſent their boats to land, and the ſeveral crews came at the ſame time to the ſame ſpring: There enſued a quarrel for the preference: A Norman, drawing his dagger, attempted to ſtab an Engliſhman; who grappling with him, threw his adverſary on the ground; and the Norman, as was pretended, falling on his own dagger, was ſlain. This ſcuffle between two ſeamen about water, ſoon kindled a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ſhip carried their complaints to the French king: Philip, without inquiring into the fact, without demanding redreſs, bade them take revenge, and trouble him no more about the matter. The Normans, who had been more regular than uſual in applying to the crown, needed but this hint to proceed to immediate violence. They ſeized an Engliſh ſhip in the channel; and hanging, along with ſome dogs, ſeveral of the crew on the yard-arm, in preſence of their companions, diſmiſſed the veſſel; and bade the mariners inform their countrymen, that vengeance was now taken for the blood of the Norman killed at Bayonne. This injury, accompanied with ſo general and deliberate an inſult,

was reſented by the mariners of the cinque-ports, who, without carrying any complaint to the king, or waiting for redreſs, retaliated, by committing like barbarities on all French veſſels without diſtinction. The French, provoked by their loſſes, preyed on the ſhips of all Edward's ſubjects, whether Engliſh or Gaſcon: The ſea became a ſcene of piracy between the nations: The ſovereigns, without either ſeconding or repreſſing the violence of their ſubjects, ſeemed to remain indifferent ſpectators: The Engliſh made private aſſociations with the Iriſh and Dutch ſeamen; the French with the Flemiſh and Genoeſe: And the animoſities of the people on both ſides became every day more violent and barbarous. A fleet of two hundred Norman veſſels ſet ſail to the ſouth for wine and other commodities; and in their paſſage ſeized all the Engliſh ſhips which they met with; hanged the ſeamen, and ſeized the goods. The inhabitants of the Engliſh ſea-ports, informed of this incident, fitted out a fleet of ſixty ſail, ſtronger and better manned than the others, and awaited the enemy on their return. After an obſtinate battle, they put them to rout, and ſunk, deſtroyed, or took the greater part of them. No quarter was given; and it is pretended that the loſs of the French amounted to fifteen thouſand men: Which is accounted for by this circumſtance, that the Norman fleet was employed in tranſporting a conſiderable body of ſoldiers from the ſouth.

The affair was now become too important to be any longer overlooked by the ſovereigns. On Philip's ſending an envoy to demand raparation and reſtitution, the king diſpatched the biſhop of London to the French court, in order to accommodate the quarrel. He firſt ſaid, that the Engliſh courts of juſtice were open to all men; and if any Frenchmen were injured, he might ſeek reparation by courſe of law. He next offered to adjuſt the matter by private arbiters, or by a perſonal interview with the king of France, or by a reference either to the pope or the college of cardinals, or any particular cardinals agreed on by both parties. The French, probably the more diſguſted as they were hitherto loſers in the

the quarrel, refuſed all theſe expedients: The veſſels and the goods of merchants were confiſcated on both ſides: Depredations were continued by the Gaſcons on the weſtern coaſt of France, as well as by the Engliſh in the channel: Philip cited the king, as duke of Guienne, to appear in his court at Paris, and anſwer for theſe offences: And Edward, apprehenſive of danger to that province, ſent John St. John, an experienced ſoldier, to Bourdeaux, and gave him directions to put Guienne in a poſture of defence.

(1294.) That he might, however, prevent a final rupture between the nations, the king diſpatched his brother, Edmond earl of Lancaſter, to Paris; and as this prince had eſpouſed the queen of Navarre, mother to Jane queen of France, he ſeemed, on account of that alliance, the moſt proper perſon for finding expedients to accommodate the difference. Jane pretended to interpoſe with her good offices: Mary, the queen-dowager, feigned the ſame amicable diſpoſition: And theſe two princeſſes told Edmond, that the circumſtance the moſt difficult to adjuſt was the point of honour with Philip, who thought himſelf affronted by the injuries committed againſt him by his ſub-vaſſals in Guienne: But if Edward would once conſent to give him ſeiſin and poſſeſſion of that province, he would think his honour fully repaired, would engage to reſtore Guienne immediately, and would accept of a very eaſy ſatisfaction for all the other injuries. The king was conſulted on the occaſion; and as he then found himſelf in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favourite paſſion for ſubduing that nation, allowed himſelf to be deceived by ſo groſs an artifice. He ſent his brother orders to ſign and execute the treaty with the two queens; Philip ſolemnly promiſed to execute his part of it; and the king's citation to appear in the court of France was accordingly recalled: But the French monarch was no ſooner put in poſſeſſion of Guienne, than the citation was renewed; Edward was condemned for non-appearance;

pearance; and Guienne, by a formal ſentence, was declared to be forfeited and annexed to the crown.

Edward, fallen into a like ſnare with that which he himſelf had ſpread for the Scots, was enraged; and the more ſo, as he was juſtly aſhamed of his own conduct, in being ſo egregiouſly over-reached by the court of France. Senſible of the extreme difficulties which he ſhould encounter in the recovery of Gaſcony, where he had not retained a ſingle place in his hands, he endeavoured to compenſate that loſs, by forming alliances with ſeveral princes, who he projected ſhould attack France on all quarters, and make a diverſion of her forces. Adolphus de Naſſau, king of the Romans, entered into a treaty with him for that purpoſe; as did alſo Amadæus count of Savoy, the archbiſhop of Cologne, the counts of Gueldre and Luxembourg, the duke of Brabant and count of Barre, who had married his two daughters, Margaret and Eleanor: But theſe alliances were extremely burdenſome to his narrow revenues, and proved in the iſſue entirely ineffectual. More impreſſion was made on Guienne by an Engliſh army, which he completed by emptying the jails of many thouſand thieves and robbers, who had been confined there for their crimes. So low had the profeſſion of arms fallen, and ſo much had it degenerated from the eſtimation in which it ſtood during the vigour of the feudal ſyſtem!

(1295.) The king himſelf was detained in England, firſt by contrary winds, then by his apprehenſions of a Scottiſh invaſion, and by a rebellion of the Welſh, whom he repreſſed and brought again under ſubjection. The army, which he ſent to Guienne, was commanded by his nephew, John de Bretagne earl of Richmond, and under him by St. John, Tibetot, de Vere, and other officers of reputation; who made themſelves maſters of the town of Bayonne, as well as of Bourg, Blaye, Reole, St. Severe, and other places, which ſtraitened Bourdeaux, and cut off its communication both by ſea and land. The favour which the Gaſcon nobility bore to the Engliſh

liſh government facilitated theſe conqueſts, and ſeemed to promiſe ſtill greater ſucceſſes; but this advantage was ſoon loſt by the miſconduct of ſome of the officers. Philip's brother, Charles de Valois, who commanded the French armies, having laid ſiege to Podenſac, a ſmall fortreſs near Reole, obliged Giffard the governor to capitulate; and the articles, though favourable to the Engliſh, left all the Gaſcons priſoners at diſcretion, of whom about fifty were hanged by Charles as rebels: A policy by which he both intimidated that people, and produced an irreparable breach between them and the Engliſh. That prince immediately attacked Reole, where the earl of Richmond himſelf commanded; and as the place ſeemed not tenable, the Engliſh general drew his troops to the water-ſide, with an intention of embarking with the greater part of the army. The enraged Gaſcons fell upon his rear, and at the ſame time opened their gates to the French, who, beſides making themſelves maſters of the place, took many priſoners of diſtinction. St. Severe was more vigorouſly defended by Hugh de Vere, ſon of the earl of Oxford; but was at laſt obliged to capitulate. The French king, not content with theſe ſucceſſes in Gaſcony, threatened England with an invaſion; and, by a ſudden attempt, his troops took and burnt Dover, but were obliged ſoon after to retire. And in order to make a greater diverſion of the Engliſh force, and engage Edward in dangerous and important wars, he formed a ſecret alliance with John Baliol king of Scotland; the commencement of that ſtrict union which during ſo many centuries was maintained by mutual intereſts and neceſſities between the French and Scottiſh nations. John confirmed this alliance, by ſtipulating a marriage between his eldeſt ſon and the daughter of Charles de Valois.

The expenſes attending theſe multiplied wars of Edward, and his preparations for war, joined to alterations which had inſenſibly taken place in the general ſtate of affairs, obliged him to have frequent recourſe to parliamentary ſupplies, introduced the lower orders of the ſtate into

into the public councils, and laid the foundations of great and important changes in the government.

Though nothing could be worſe calculated for cultivating the arts of peace, or maintaining peace itſelf, than the long ſubordination of vaſſalage from the king to the meaneſt gentleman, and the conſequent ſlavery of the lower people; evils inſeparable from the feudal ſyſtem; that ſyſtem was never able to fix the ſtate in a proper warlike poſture, or give it the full exertion of its power for defence, and ſtill leſs for offence, againſt a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or ſervices; compoſed a diſorderly, and conſequently a feeble army; and during the few days which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, againſt whom they were aſſembled. The ſovereigns came gradually to diſuſe this cumberſome and dangerous machine, ſo apt to recoil upon the hand which held it; and exchanging the military ſervice for pecuniary ſupplies, inliſted forces by means of a contract with particular officers (ſuch as thoſe the Italians denominate *Condottieri*), whom they diſmiſſed at the end of the war. The barons and knights themſelves often entered into theſe engagements with the prince; and were enabled to fill their bands, both by the authority which they poſſeſſed over their vaſſals and tenants, and from the great numbers of looſe diſorderly people, whom they found on their eſtates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine.

Meanwhile the old Gothic fabric, being neglected, went gradually to decay. Though the Conqueror had divided all the lands of England into ſixty thouſand knights' fees, the number of theſe was inſenſibly diminiſhed by various artifices; and the king at laſt found that, by putting the law in execution, he could aſſemble a ſmall part only of the ancient force of the kingdom. It was a uſual expedient for men who held of the king or great

great barons by military tenure, to transfer their land to the church, and receive it back by another tenure, called frankalmoigne, by which they were not bound to perform any ſervice. A law was made againſt this practice; but the abuſe had probably gone far before it was attended to, and probably was not entirely corrected by the new ſtatute, which, like moſt laws of that age, we may conjecture to have been but feebly executed by the magiſtrate againſt the perpetual intereſt of ſo many individuals: The conſtable and mareſchal, when they muſtered the armies, often in a hurry, and for want of better information, received the ſervice of a baron for fewer knights' fees than were due by him; and one precedent of this kind was held good againſt the king, and became ever after a reaſon for diminiſhing the ſervice. The rolls of knights' fees were inaccurately kept; no care was taken to correct them before the armies were ſummoned into the field *; it was then too late to think of examining records and charters; and the ſervice was accepted on the footing which the vaſſal himſelf was pleaſed to acknowledge, after all the various ſubdiviſions and conjunctions of property had thrown an obſcurity on the nature and extent of his tenure. It is eaſy to judge of the intricacies which would attend diſputes of this kind with individuals; when even the number of military fees belonging to the church, whoſe property was fixed and unalienable, became the ſubject of controverſy; and we find in particular, that when the biſhop of Durham was charged with ſeventy knights' fees for the aid levied on occaſion of the marriage of Henry II.'s daughter to the duke of Saxony, the prelate acknowledged ten, and diſowned the other ſixty. It is not known in what manner this difference was terminated; but had the queſtion been concerning an armament to defend the kingdom, the biſhop's ſervice would probably have been received without oppoſition for ten fees;

* We hear only of one king, Henry II. who took this pains; and the record, called Liber niger Scaccarii, was the reſult of it.

and

and this rate muſt alſo have fixed all his future payments. Pecuniary ſcutages, therefore, diminiſhed as much as military ſervices †: Other methods of filling the exchequer, as well as the armies, muſt be deviſed: New ſituations produced new laws and inſtitutions: And the great alterations in the finances and military power of the crown, as well as in private property, were the ſource of equal innovations in every part of the legiſlature or civil government.

The exorbitant eſtates conferred by the Norman on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually ſhared out into more hands; and thoſe immenſe baronies were divided, either by proviſions to younger children, by partitions among co-heirs, by ſale, or by eſcheating to the king, who gratified a great number of his courtiers, by dealing them out among them in ſmaller portions. Such moderate eſtates, as they required economy, and confined the proprietors to live at home, were better calculated for duration; and the order of knights and ſmall barons grew daily more numerous, and began to form a very reſpectable rank or order in the ſtate. As they were all immediate vaſſals of the crown by military tenure, they were, by the principles of the feudal law, equally intitled with the greateſt barons to a ſeat in the national or general councils; and this right, though regarded as a privilege which the owners would not entirely relinquiſh, was alſo conſidered as a burden, which they deſired to be ſubjected to on extraordinary occaſions only. Hence it was provided in the charter of king John, that while the great barons were ſummoned to the

† In order to pay the ſum of 100,000 marks, as king Richard's ranſom, twenty ſhillings were impoſed on each knight's fee. Had the fees remained on the original footing as ſettled by the Conqueror, this ſcutage would have amounted to 90,000 marks, which was nearly the ſum required: But we find that other grievous taxes were impoſed to complete it: A certain proof that many frauds and abuſes had prevailed in the roll of knights' fees.

national

national council by a particular writ, the ſmall barons, under which appellation the knights were alſo comprehended, ſhould only be called by a general ſummons of the ſheriff. The diſtinction between great and ſmall barons, like that between rich and poor, was not exactly defined; but agreeably to the inaccurate genius of that age, and to the ſimplicity of ancient government, was left very much to be determined by the diſcretion of the king and his miniſters. It was uſual for the prince to require, by a particular ſummons, the attendance of a baron in one parliament, and to neglect him in future parliaments; nor was this uncertainty ever complained of as an injury. He attended when required: He was better pleaſed, on other occaſions, to be exempted from the burden: And as he was acknowledged to be of the ſame order with the greateſt barons, it gave them no ſurpriſe to ſee him take his ſeat in the great council, whether he appeared of his own accord, or by a particular ſummons from the king. The barons by *writ*, therefore, began gradually to intermix themſelves with the barons by *tenure*; and as Camden tells us, from an ancient manuſcript now loſt, that after the battle of Eveſham a poſitive law was enacted, prohibiting every baron from appearing in parliament who was not invited thither by a particular ſummons, the whole baronage of England held thenceforward their ſeat by writ, and this important privilege of their tenures was in effect aboliſhed. Only where writs had been regularly continued for ſome time in one great family, the omiſſion of them would have been regarded as an affront, and even as an injury.

A like alteration gradually took place in the order of earls, who were the higheſt rank of barons. The dignity of an earl, like that of a baron, was anciently territorial and official: He exerciſed juriſdiction within his county: He levied the third of the fines to his own profit: He was at once a civil and a military magiſtrate: And though his authority, from the time of the Norman conqueſt, was hereditary in England, the title was ſo much connected with the office, that where the king intended to create a new earl, he had no other expedient than

than to erect a certain territory into a county or earldom, and to beſtow it upon the perſon and his family *. But as the ſheriffs, who were the vicegerents of the earls, were named by the king, and removeable at pleaſure, he found them more dependant upon him; and endeavoured to throw the whole authority and juriſdiction of the office into their hands. This magiſtrate was at the head of the finances, and levied all the king's rents within the county: He aſſeſſed at pleaſure the talliages of the inhabitants in royal demeſne: He had uſually committed to him the management of wards, and often of eſcheats: He preſided in the lower courts of judicature: And thus, though inferior to the earl in dignity, he was ſoon conſidered, by this union of the judicial and fiſcal powers, and by the confidence repoſed in him by the king, as much ſuperior to him in authority, and undermined his influence within his own juriſdiction †. It became uſual, in creating an earl, to give him a fixed ſalary, commonly about twenty pounds a year, in lieu of his third of the fines: The diminution of his power kept pace with the retrenchment of his profit: And the dignity of earl, inſtead of being territorial and official, dwindled into perſonal and titular. Such were the mighty alterations which already had fully taken place, or were gradually advancing in the houſe of peers; that is, in the parliament: For there ſeems anciently to have been no other houſe.

But though the introduction of barons by writ, and of titular earls, had given ſome increaſe to royal authority, there were other cauſes which counterbalanced thoſe innovations, and tended in a higher degree to diminiſh the power of the ſovereign. The diſuſe into which the feudal militia had in a great meaſure fallen, made the barons almoſt entirely forget their dependance on the

* This practice, however, ſeems to have been more familiar in Scotland, and the kingdoms on the continent, than in England.

† There are inſtances of princes of the blood who accepted of the office of ſheriff.

crown;

crown: By the diminution of the number of knights' fees, the king had no reaſonable compenſation when he levied ſcutages, and exchanged their ſervice for money: The alienations of the crown lands had reduced him to poverty: And, above all, the conceſſion of the Great Charter had ſet bounds to royal power, and had rendered it more difficult and dangerous for the prince to exert any extraordinary act of arbitrary authority. In this ſituation, it was natural for the king to court the friendſhip of the leſſer barons and knights, whoſe influence was noways dangerous to him, and who, being expoſed to oppreſſion from their powerful neighbours, ſought a legal protection under the ſhadow of the throne. He deſired, therefore, to have their preſence in parliament, where they ſerved to control the turbulent reſolutions of the great. To exact a regular attendance of the whole body would have produced confuſion, and would have impoſed too heavy a burden upon them. To ſummon only a few by writ, though it was practiſed, and had a good effect, ſerved not entirely the king's purpoſe; becauſe theſe members had no farther authority than attended their perſonal character, and were eclipſed by the appearance of the more powerful nobility. He therefore diſpenſed with the attendance of moſt of the leſſer barons in parliament; and in return for this indulgence (for ſuch it was then eſteemed), required them to chuſe in each county a certain number of their own body, whoſe charges they bore, and who, having gained the confidence, carried with them of courſe the authority of the whole order. This expedient had been practiſed at different times in the reign of Henry III., and regularly during that of the preſent king. The numbers ſent up by each county varied at the will of the prince: They took their ſeat among the other peers; becauſe by their tenure they belonged to that order: The introducing of them into that houſe ſcarcely appeared an innovation: And though it was eaſily in the king's power, by varying their number, to command the reſolutions of the whole parliament, this circumſtance was little attended to in

an age when force was more prevalent than laws, and when a reſolution, though taken by the majority of a legal aſſembly, could not be executed if it oppoſed the will of the more powerful minority.

But there were other important conſequences which followed the diminution and conſequent diſuſe of the ancient feudal militia. The king's expenſe in levying and maintaining a military force for every enterpriſe was increaſed beyond what his narrow revenues were able to bear: As the ſcutages of his military tenants, which were accepted in lieu of their perſonal ſervice, had fallen to nothing, there were no means of ſupply but from voluntary aids granted him by the parliament and clergy; or from the talliages which he might levy upon the towns and inhabitants in royal demeſne. In the preceding year Edward had been obliged to exact no leſs than the ſixth of all moveables from the laity, and a moiety of all eccleſiaſtical benefices, for his expedition into Poictou, and the ſuppreſſion of the Welſh: And this diſtreſsful ſituation, which was likely often to return upon him and his ſucceſſors, made him think of a new device, and ſummon the repreſentatives of all the boroughs to parliament. This period, which is the twenty-third of his reign, ſeems to be the real and true epoch of the houſe of commons, and the faint dawn of popular government in England. For the repreſentatives of the counties were only deputies from the ſmaller barons and leſſer nobility: And the former precedent of repreſentatives from the boroughs, who were ſummoned by the earl of Leiceſter, was regarded as the act of a violent uſurpation, had been diſcontinued in all the ſubſequent parliaments; and if ſuch a meaſure had not become neceſſary on other accounts, that precedent was more likely to blaſt than give credit to it.

During the courſe of ſeveral years the kings of England, in imitation of other European princes, had embraced the ſalutary policy of encouraging and protecting the lower and more induſtrious orders of the ſtate; whom they found well diſpoſed to obey the laws and

civil magiſtrate, and whoſe ingenuity and labour furniſhed commodities requiſite for the ornament of peace and ſupport of war. Though the inhabitants of the country were ſtill left at the diſpoſal of their imperious lords; many attempts were made to give more ſecurity and liberty to citizens, and make them enjoy unmoleſted the fruits of their induſtry. Boroughs were erected by royal patent within the demeſne lands: Liberty of trade was conferred upon them: The inhabitants were allowed to farm at a fixed rent their own tolls and cuſtoms: They were permitted to elect their own magiſtrates: Juſtice was adminiſtered to them by theſe magiſtrates, without obliging them to attend the ſheriff or county court: And ſome ſhadow of independence, by means of theſe equitable privileges, was gradually acquired by the people. The king, however, retained ſtill the power of levying talliages or taxes upon them at pleaſure *; and though their poverty, and the cuſtoms of the age, made theſe demands neither frequent nor exorbitant, ſuch unlimited authority in the ſovereign was a ſenſible check upon commerce, and was utterly incompatible with all the principles of a free government. But when the multiplied neceſſities of the crown produced a greater avidity for ſupply, the king, whoſe prerogative entitled him to exact it, found that he had not power ſufficient to enforce his edicts, and that it was neceſſary, before he impoſed taxes, to ſmooth the way for his demand, and to obtain the previous conſent of the boroughs, by ſolicitations, remonſtrances, and authority. The inconvenience of tranſacting this buſineſs with every particular borough was ſoon felt; and Edward became ſenſible, that the moſt expeditious way of obtaining ſupply was, to aſſemble the deputies of all the boroughs, to lay before them the neceſſities of the

* The king had not only the power of talliating the inhabitants within his own demeſnes, but that of granting to particular barons the power of talliating the inhabitants within theirs.

ſtate, to diſcuſs the matter in their preſence, and to require their conſent to the demands of their ſovereign. For this reaſon he iſſued writs to the ſheriffs, enjoining them to ſend to parliament, along with two knights of the ſhire, two deputies from each borough within their county *, and theſe provided with ſufficient powers from their community to conſent, in their name, to what he and his council ſhould require of them. *As it is a moſt equitable rule*, ſays he, in his preamble to this writ, *that what concerns all ſhould be approved of by all; and common dangers be repelled by united efforts* †; a noble principle, which may ſeem to indicate a liberal mind in the king, and which laid the foundation of a free and an equitable government.

After the election of theſe deputies by the aldermen and common council, they gave ſureties for their attendance before the king and parliament: Their charges were reſpectively borne by the borough which ſent them: And they had ſo little idea of appearing as legiſlators, a character extremely wide of their low rank and condition, that no intelligence could be more diſagreeable to any borough, that to find that they muſt elect, or to any individual than that he was elected to a truſt from which no profit or honour could poſſibly be derived: They compoſed not, properly ſpeaking, any eſſential part of the parliament: They ſat apart both from the barons and knights, who diſdained to mix with ſuch mean perſonages: After they had given their conſent to the taxes required of them, their buſineſs being then finiſhed, they ſeparated, even though the parliament ſtill continued to ſit, and to canvaſs the

* Writs were iſſued to about 120 cities and boroughs.

† The writs of the parliament immediately preceding remain; and the return of knights is there required, but not a word of the boroughs: A demonſtration that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a ſeeming free conſent of each particular borough, beginning with London,

national

national buſineſs: And as they all conſiſted of men who were real burgeſſes of the place from which they were ſent, the ſheriff, when he found no perſon of abilities or wealth ſufficient for the office, often uſed the freedom of omitting particular boroughs in his returns; and as he received the thanks of the people for this indulgence, he gave no diſpleaſure to the court, who levied on all the boroughs, without diſtinction, the tax agreed to by the majority of deputies *.

The union, however, of the repreſentatives from the boroughs gave gradually more weight to the whole order; and it became cuſtomary for them, in return for the ſupplies which they granted, to prefer petitions to the crown for the redreſs of any particular grievance of which they found reaſon to complain. The more the king's demands multiplied, the faſter theſe petitions increaſed both in number and authority; and the prince found it difficult to refuſe men whoſe grants had ſupported his throne, and to whoſe aſſiſtance he might ſo ſoon be again obliged to have recourſe. The commons, however, were ſtill much below the rank of legiſlators †. Their petitions, though they received a verbal aſſent from the throne, were only the rudiments of laws: The judges were afterwards entruſted with the power of putting them into form: And the king, by adding to them the ſanction of his authority, and that ſometimes without the aſſent of the nobles, beſtowed validity upon them. The age did not refine ſo much as to perceive the danger of theſe irregularities. No man was diſpleaſed that the ſovereign, at the deſire of

* There is even an inſtance in the reign of Edward III. when the king named all the deputies. If he fairly named the moſt conſiderable and creditable burgeſſes, little exception would be taken; as their buſineſs was not to check the king, but to reaſon with him, and conſent to his demands. It was not till the reign of Richard II. that the ſheriffs were deprived of the power of omitting boroughs at pleaſure.

† See note [D] at the end of the volume.

any claſs of men, ſhould iſſue an order which appeared only to concern that claſs; and his predeceſſors were ſo near poſſeſſing the whole legiſlative power, that he gave no diſguſt by aſſuming it in this ſeemingly inoffenſive manner. But time and farther experience gradually opened men's eyes, and corrected theſe abuſes. It was found that no laws could be fixed for one order of men, without affecting the whole; and that the force and efficacy of laws depended entirely on the terms employed in wording them. The houſe of peers, therefore, the moſt powerful order in the ſtate, with reaſon expected that their aſſent ſhould be expreſly granted to all public ordinances *: And in the reign of Henry V. the commons required that no laws ſhould be framed merely upon their petitions, unleſs the ſtatutes were worded by themſelves, and had paſſed their houſe in the form of a bill.

But as the ſame cauſes which had produced a partition of property continued ſtill to operate, the number of knights and leſſer barons, or what the Engliſh call the gentry, perpetually increaſed, and they ſunk into a rank ſtill more inferior to the great nobility. The equality of tenure was loſt in the great inferiority of power and property; and the houſe of repreſentatives from the counties was gradually ſeparated from that of the peers, and formed a diſtinct order in the ſtate. The growth of commerce meanwhile augmented the private wealth and conſideration of the burgeſſes; the frequent demands of the crown increaſed their public importance; and as they reſembled the knights of ſhires

* In thoſe inſtances found in Cotton's Abridgement, where the king appears to anſwer of himſelf the petitions of the commons, he probably exerted no more than that power which was long inherent in the crown, of regulating matters by royal edicts or proclamations. But no durable or general ſtatute ſeems ever to have been made by the king from the petition of the commons alone, without the aſſent of the peers. It is more likely that the peers alone, without the commons, would enact ſtatutes.

in one material circumſtance, that of repreſenting particular bodies of men; it no longer appeared unſuitable to unite them together in the ſame houſe, and to confound their rights and privileges *. Thus the third eſtate, that of the commons, reached at laſt its preſent form; and as the country gentlemen made thenceforwards no ſcruple of appearing as deputies from the boroughs, the diſtinction between the members was entirely loſt, and the lower houſe acquired thence a great acceſſion of weight and importance in the kingdom. Still, however, the office of this eſtate was very different from that which it has ſince exerciſed with ſo much advantage to the public. Inſtead of checking and controlling the authority of the king, they were naturally induced to adhere to him as the great fountain of law and juſtice, and to ſupport him againſt the power of the ariſtocracy, which at once was the ſource of oppreſſion to themſelves, and diſturbed him in the execution of the laws. The king in his turn gave countenance to an order of men, ſo uſeful and ſo little dangerous: The peers alſo were obliged to pay them ſome conſideration: And by this means the third eſtate, formerly ſo abject in England, as well as in all other European nations, roſe by ſlow degrees to their preſent importance; and in their progreſs made arts and commerce, the neceſſary attendants of liberty and equality, flouriſh in the kingdom †.

What ſufficiently proves that the commencement of the houſe of burgeſſes, who are the true commons, was not an affair of chance, but aroſe from the neceſſities of the preſent ſituation, is, that Edward at the very ſame time ſummoned deputies from the inferior clergy, the firſt that ever met in England, and he required them to impoſe taxes on their conſtituents for the public ſervice. Formerly the eccleſiaſtical benefices bore no part of the burdens of the ſtate: The pope, indeed, of late had often levied impoſitions upon them: He had ſometimes

* See note [E] at the end of the volume.
† See note [F] at the end of the volume.

granted

granted this power to the ſovereign: The king himſelf had in the preceding year exacted, by menaces and violence, a very grievous tax of half the revenues of the clergy: But as this precedent was dangerous, and could not eaſily be repeated in a government which required the conſent of the ſubject to any extraordinary reſolution, Edward found it more prudent to aſſemble a lower houſe of convocation, to lay before them his neceſſities, and to aſk ſome ſupply. But on this occaſion he met with difficulties. Whether that the clergy thought themſelves the moſt independent body in the kingdom, or were diſguſted by the former exorbitant impoſitions, they abſolutely refuſed their aſſent to the king's demand of a fifth of their moveables; and it was not till a ſecond meeting that, on their perſiſting in this refuſal, he was willing to accept of a tenth. The barons and knights granted him, without heſitation, an eleventh; the burgeſſes a teventh. But the clergy ſtill ſcrupled to meet on the king's writ, leſt by ſuch an inſtance of obedience they ſhould ſeem to acknowledge the authority of the temporal power: And this compromiſe was at laſt fallen upon, that the king ſhould iſſue his writ to the archbiſhop; and that the archbiſhop ſhould, in conſequence of it, ſummon the clergy, who, as they then appeared to obey their ſpiritual ſuperior, no longer heſitated to meet in convocation. This expedient, however, was the cauſe why the eccleſiaſtics were ſeparated into two houſes of convocation under their ſeveral archbiſhops, and formed not one eſtate, as in other countries of Europe; which was at firſt the king's intention. We now return to the courſe of our narration.

Edward, conſcious of the reaſons of diſguſt which he had given to the king of Scots, informed of the diſpoſitions of that people, and expecting the moſt violent effects of their reſentment, which he knew he had ſo well merited; employed the ſupplies granted him by his people, in making preparations againſt the hoſtilities of his northern neighbour. When in this ſituation, he received intelligence of the treaty ſecretly concluded between John and Philip; and though uneaſy at this concurrence of a French

French and Scottiſh war, he reſolved not to encourage his enemies by a puſillanimous behaviour, or by yielding to their united efforts. (1296.) He ſummoned John to perform the duty of a vaſſal, and to ſend him a ſupply of forces againſt an invaſion from France, with which he was then threatened: He next required that the fortreſſes of Berwic, Jedborough, and Roxborough, ſhould be put into his hands as a ſecurity during the war: He cited John to appear in an Engliſh parliament to be held at Newcaſtle: And when none of theſe ſucceſſive demands were complied with, he marched northward with numerous forces, 30,000 foot and 4000 horſe, to chaſtiſe his rebellious vaſſal. The Scottiſh nation, who had little reliance on the vigour and abilities of their prince, aſſigned him a council of twelve noblemen, in whoſe hands the ſovereignty was really lodged, and who put the country in the beſt poſture of which the preſent diſtractions would admit. A great army, compoſed of 40,000 infantry, though ſupported only by 500 cavalry, advanced to the frontiers; and after a fruitleſs attempt upon Carliſle, marched eaſtwards to defend thoſe provinces which Edward was preparing to attack. But ſome of the moſt conſiderable of the Scottiſh nobles, Robert Bruce, the father and ſon, the earls of March and Angus, prognoſticating the ruin of their country, from the concurrence of inteſtine diviſions and a foreign invaſion, endeavoured here to ingratiate themſelves with Edward, by an early ſubmiſſion; and the king, encouraged by this favourable incident, led his army into the enemies country, and croſſed the Tweed (28th March) without oppoſition at Coldſtream. He then received a meſſage from John, by which that prince, having now procured for himſelf and his nation pope Celeſtine's diſpenſation from former oaths, renounced the homage which had been done to England, and ſet Edward at defiance. This bravado was but ill ſupported by the military operations of the Scots. Berwic was already taken by aſſault: Sir William Douglas, the governor, was made priſoner: Above 7000 of the garriſon were put to the ſword; And Edward, elated by this great advantage,

advantage, deſpatched earl Warenne with 12,000 men, to lay ſiege to Dunbar, which was defended by the flower of the Scottiſh nobility.

The Scots, ſenſible of the importance of this place, which, if taken, laid the whole country open to the enemy, advanced with their main army, under the command of the earls of Buchan, Lenox, and Marre, in order to relieve it. Warenne, not diſmayed at the great ſuperiority of their number, marched out to give them battle. He attacked them with vigour (27th April); and as undiſciplined troops, when numerous, are but the more expoſed to a panic upon any alarm, he ſoon threw them into confuſion, and chaſed them off the field with great ſlaughter. The loſs of the Scots is ſaid to have amounted to 20,000 men: The caſtle of Dunbar, with all its garriſon, ſurrendered next day to Edward, who, after the battle, had brought up the main body of the Engliſh, and who now proceeded with an aſſured confidence of ſucceſs. The caſtle of Roxborough was yielded by James ſteward of Scotland; and that nobleman, from whom is deſcended the royal family of Stuart, was again obliged to ſwear fealty to Edward. After a feeble reſiſtance, the caſtles of Edinburgh and Stirling opened their gates to the enemy. All the ſouthern parts were inſtantly ſubdued by the Engliſh; and, to enable them the better to reduce the northern, whoſe inacceſſible ſituation ſeemed to give them ſome more ſecurity, Edward ſent for a ſtrong reinforcement of Welſh and Iriſh, who, being accuſtomed to a deſultory kind of war, were the beſt fitted to purſue the fugitive Scots into the receſſes of their lakes and mountains. But the ſpirit of the nation was already broken by their misfortunes; and the feeble and timid Baliol, diſcontented with his own ſubjects, and overawed by the Engliſh, abandoned all thoſe reſources which his people might yet have poſſeſſed in this extremity. He haſtened to make his ſubmiſſions to Edward; he expreſſed the deepeſt penitence for his diſloyalty to his liege lord; and he made a ſolemn and irrevocable reſignation of his crown into the hands of that monarch. Edward marched northwards to Aberdeen

and

and Elgin, without meeting an enemy: No Scotchman approached him but to pay him ſubmiſſion and do him homage: Even the turbulent Highlanders, ever refractory to their own princes, and averſe to the reſtraint of laws, endeavoured to prevent the devaſtation of their country, by giving him early proofs of obedience: And Edward, having brought the whole kingdom to a ſeeming ſtate of tranquillity, returned to the ſouth with his army. There was a ſtone, to which the popular ſuperſtition of the Scots paid the higheſt veneration: All their kings were ſeated on it, when they received the rite of inauguration: An ancient tradition aſſured them, that, wherever this ſtone was placed, their nation ſhould always govern: And it was carefully preſerved at Scone, as the true palladium of their monarchy, and their ultimate reſource amidſt all their misfortunes. Edward got poſſeſſion of it; and carried it with him to England. He gave orders to deſtroy the records, and all thoſe monuments of antiquity, which might preſerve the memory of the independence of the kingdom, and refute the Engliſh claims of ſuperiority. The Scots pretend, that he alſo deſtroyed all the annals preſerved in their convents: But it is not probable, that a nation, ſo rude and unpoliſhed, ſhould be poſſeſſed of any hiſtory which deſerves much to be regretted. The great ſeal of Baliol was broken; and that prince himſelf was carried priſoner to London, and committed to cuſtody in the Tower. Two years after, he was reſtored to liberty, ſubmitted to a voluntary baniſhment in France; where, without making any farther attempts for the recovery of his royalty, he died in a private ſtation. Earl Warenne was left governor of Scotland: Engliſhmen were entruſted with the chief offices: And Edward, flattering himſelf that he had attained the end of all his wiſhes, and that the numerous acts of fraud and violence, which he had practiſed againſt Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England.

An attempt, which he made about the ſame time, for the recovery of Guienne, was not equally ſucceſsful.

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He ſent thither an army of 7000 men, under the command of his brother the earl of Lancaſter. That prince gained at firſt ſome advantages over the French at Bourdeaux; but he was ſoon after ſeized with a diſtemper, of which he died at Bayonne. The command devolved on the earl of Lincoln, who was not able to perform any thing conſiderable during the reſt of the campaign.

But the active and ambitious ſpirit of Edward, while his conqueſts brought ſuch conſiderable acceſſions to the Engliſh monarchy, could not be ſatisfied, ſo long as Guienne, the ancient patrimony of his family, was wreſted from him by the diſhoneſt artifices of the French monarch. Finding that the diſtance of that province rendered all his efforts againſt it feeble and uncertain, he purpoſed to attack France in a quarter where ſhe appeared more vulnerable; and with this view he married his daughter Elizabeth to John earl of Holland, and at the ſame time contracted an alliance with Guy earl of Flanders, ſtipulated to pay him the ſum of 75,000 pounds, and projected an invaſion, with their united forces, upon Philip, their common enemy. He hoped that, when he himſelf, at the head of the Engliſh, Flemiſh, and Dutch armies, reinforced by his German allies, to whom he had promiſed or remitted conſiderable ſums, ſhould enter the frontiers of France, and threaten the capital itſelf, Philip would at laſt be obliged to relinquiſh his acquiſitions, and purchaſe peace by the reſtitution of Guienne. But, in order to ſet this great machine in movement, conſiderable ſupplies were requiſite from the parliament; and Edward, without much difficulty, obtained from the barons and knights a new grant of a twelfth of all their moveables, and from the boroughs, that of an eighth. The great and almoſt unlimited power of the king over the latter, enabled him to throw the heavier part of the burden on them; and the prejudices which he ſeems always to have entertained againſt the church, on account of the former zeal of the clergy for the Mountfort faction, made him reſolve to load them with ſtill more conſiderable impoſitions, and he required of them a fifth of their moveables. But he here

here met with an oppoſition, which for ſome time diſconcerted all his meaſures, and engaged him in enterpriſes that were ſomewhat dangerous to *him*; and would have proved fatal to any of his predeceſſors.

Boniface VIII. who had ſucceeded Celeſtine in the papal throne, was a man of the moſt lofty and enterpriſing ſpirit; and, though not endowed with that ſeverity of manners which commonly accompanies ambition in men of his order, he was determined to carry the authority of the tiara, and his dominion over the temporal power, to as great a height as it had ever attained in any former period. Senſible that his immediate predeceſſors, by oppreſſing the church in every province of Chriſtendom, had extremely alienated the affections of the clergy, and had afforded the civil magiſtrate a pretence for laying like impoſitions on eccleſiaſtical revenues, he attempted to reſume the former ſtation of the ſovereign pontiff, and to eſtabliſh himſelf as the common protector of the ſpiritual order againſt all invaders. For this purpoſe, he iſſued very early in his pontificate a general bull, prohibiting all princes from levying, without his conſent, any taxes upon the clergy, and all clergymen from ſubmitting to ſuch impoſitions; and he threatened both of them with the penalties of excommunication in caſe of diſobedience. This important edict is ſaid to have been procured by the ſolicitation of Robert de Winchelſey archbiſhop of Canterbury, who intended to employ it as a rampart againſt the violent extortions which the church had felt from Edward, and the ſtill greater, which that prince's multiplied neceſſities gave them reaſon to apprehend. When a demand, therefore, was made on the clergy of a fifth of their moveables, a tax which was probably much more grievous than a fifth of their revenue, as their lands were moſtly ſtocked with their cattle, and cultivated by their villains; the clergy took ſhelter under the bull of pope Boniface, and pleaded conſcience in refuſing compliance. The king came not immediately to extremities on this repulſe; but, after locking up all their granaries and barns, and prohibiting all rent to be paid them, he appointed a new ſynod, to confer with

him upon his demand. The primate, not diſmayed by theſe proofs of Edward's reſolution, here plainly told him, that the clergy owed obedience to two ſovereigns, their ſpiritual and their temporal; but their duty bound them to a much ſtricter attachment to the former than to the latter: They could not comply with his commands (for ſuch, in ſome meaſure, the requeſts of the crown were then deemed), in contradiction to the expreſs prohibition of the ſovereign pontiff.

(1297.) The clergy had ſeen, in many inſtances, that Edward paid little regard to thoſe numerous privileges, on which they ſet ſo high a value. He had formerly ſeized, in an arbitrary manner, all the money and plate belonging to the churches and convents, and had applied them to the public ſervice; and they could not but expect more violent treatment on this ſharp refuſal, grounded on ſuch dangerous principles. Inſtead of applying to the pope for a relaxation of his bull, he reſolved immediately to employ the power in his hands; and he told the eccleſiaſtics, that, ſince they refuſed to ſupport the civil government, they were unworthy to receive any benefit from it; and he would accordingly put them out of the protection of the laws. This vigorous meaſure was immediately carried into execution. Orders were iſſued to the judges to receive no cauſe brought before them by the clergy; to hear and decide all cauſes in which they were defendants: To do every man juſtice againſt them; to do them juſtice againſt no body. The eccleſiaſtics ſoon found themſelves in the moſt miſerable ſituation imaginable. They could not remain in their own houſes or convents for want of ſubſiſtence: If they went abroad in queſt of maintenance, they were diſmounted, robbed of their horſes and clothes, abuſed by every ruffian, and no redreſs could be obtained by them for the moſt violent injury. The primate himſelf was attacked on the highway, was ſtripped of his equipage and furniture, and was at laſt reduced to board himſelf, with a ſingle ſervant, in the houſe of a country clergyman. The king, meanwhile, remained an indifferent ſpectator of all theſe violences; and, without

out employing his officers in committing any immediate injury on the prieſts, which might have appeared invidious and oppreſſive, he took ample vengeance on them for their obſtinate refuſal of his demands. Though the archbiſhop iſſued a general ſentence of excommunication againſt all who attacked the perſons or property of eccleſiaſtics, it was not regarded: While Edward enjoyed the ſatisfaction of ſeeing the people become the voluntary inſtruments of his juſtice againſt them, and enure themſelves to throw off that reſpect for the ſacred order, by which they had ſo long been overawed and governed.

The ſpirits of the clergy were at laſt broken by this harſh treatment. Beſides that the whole province of York, which lay neareſt the danger that ſtill hung over them from the Scots, voluntarily, from the firſt, voted a fifth of their moveables; the biſhops of Saliſbury, Ely, and ſome others, made a compoſition for the ſecular clergy within their dioceſes; and they agreed not to pay the fifth, which would have been an act of diſobedience to Boniface's bull, but to depoſite a ſum equivalent in ſome church appointed them; whence it was taken by the king's officers. Many particular convents and clergymen made payment of a like ſum, and received the king's protection. Thoſe who had not ready money, entered into recognizances for the payment. And there was ſcarcely found one eccleſiaſtic in the kingdom, who ſeemed willing to ſuffer, for the ſake of religious privileges, this new ſpecies of martyrdom, the moſt tedious and languiſhing of any, the moſt mortifying to ſpiritual pride, and not rewarded by that crown of glory, which the church holds up, with ſuch oſtentation, to her devoted adherents.

But as the money granted by parliament, though conſiderable, was not ſufficient to ſupply the king's neceſſities, and that levied by compoſitions with the clergy came in ſlowly, Edward was obliged, for the obtaining of farther ſupply, to exert his arbitrary power, and to lay an oppreſſive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the ſame time forced

them to pay him a duty of forty ſhillings a ſack, which was computed to be above the third of the value. He ſeized all the reſt of the wool, as well as all the leather of the kingdom, into his hands, and diſpoſed of theſe commodities for his own benefit: He required the ſheriffs of each county to ſupply him with 2000 quarters of wheat, and as many of oats, which he permitted them to ſeize wherever they could find them: The cattle and other commodities neceſſary for ſupplying his army were laid hold of without the conſent of the owners: And though he promiſed to pay afterwards the equivalent of all theſe goods, men ſaw but little probability that a prince, who ſubmitted ſo little to the limitations of law, could ever, amidſt his multiplied neceſſities, be reduced to a ſtrict obſervance of his engagements. He ſhowed, at the ſame time, an equal diſregard to the principles of the feudal law, by which all the lands of his kingdom were held: In order to increaſe his army, and enable him to ſupport that great effort which he intended to make againſt France, he required the attendance of every proprietor of land poſſeſſed of twenty pounds a year, even though he held not of the crown, and was not obliged by his tenure to perform any ſuch ſervice.

Theſe acts of violence and of arbitrary power, notwithſtanding the great perſonal regard generally borne to the king, bred murmurs in every order of men; and it was not long ere ſome of the great nobility, jealous of their own privileges as well as of national liberty, gave countenance and authority to theſe complaints. Edward aſſembled on the ſea-coaſt an army, which he purpoſed to ſend over to Gaſcony, while he himſelf ſhould in perſon make an impreſſion on the ſide of Flanders; and he intended to put theſe forces under the command of Humphrey Bohun earl of Hereford, the conſtable, and Roger Bigod earl of Norfolk, the mareſchal of England. But theſe two powerful earls refuſed to execute his commands, and affirmed, that they were only obliged by their office to attend his perſon in the wars. A violent altercation enſued; and the king, in the

the height of his paſſion, addreſſing himſelf to the conſtable, exclaimed, *Sir earl, by God, you ſhall either go or hang. By God, ſir king*, replied Hereford, *I will neither go nor hang.* And he immediately departed, with the mareſchal, and above thirty other conſiderable barons.

Upon this oppoſition, the king laid aſide the project of an expedition againſt Guienne; and aſſembled the forces which he himſelf purpoſed to tranſport into Flanders. But the two earls, irritated in the conteſt and elated by impunity, pretending that none of their anceſtors had ever ſerved in that country, refuſed to perform the duty of their office in muſtering the army. The king, now finding it adviſable to proceed with moderation, inſtead of attainting the earls, who poſſeſſed their dignities by hereditary right, appointed Thomas de Berkeley, and Geoffrey de Geyneville, to act, in that emergence, as conſtable and mareſchal. He endeavoured to reconcile himſelf with the church; took the primate again into favour; made him, in conjunction with Reginald de Grey, tutor to the prince, whom he intended to appoint guardian of the kingdom during his abſence; and he even aſſembled a great number of the nobility in Weſtminſter-hall, to whom he deigned to make an apology for his paſt conduct. He pleaded the urgent neceſſities of the crown; his extreme want of money; his engagements from honour as well as intereſt to ſupport his foreign allies: And he promiſed, if ever he returned in ſafety, to redreſs all their grievances, to reſtore the execution of the laws, and to make all his ſubjects compenſation for the loſſes which they had ſuſtained. Meanwhile, he begged them to ſuſpend their animoſities; to judge of him by his future conduct, of which, he hoped, he ſhould be more maſter; to remain faithful to his government, or, if he periſhed in the preſent war, to preſerve their allegiance to his ſon and ſucceſſor.

There were certainly, from the concurrence of diſcontents among the great, and grievances of the people, materials ſufficient in any other period to have kindled

a civil war in England: But the vigour and abilities of Edward kept every one in awe; and his dexterity, in ſtopping on the brink of danger, and retracting the meaſures to which he had been puſhed by his violent temper and arbitrary principles, ſaved the nation from ſo great a calamity. The two great earls dared not to break out into open violence: They proceeded no farther than framing a remonſtrance, which was delivered to the king at Winchelſea, when he was ready to embark for Flanders. They there complained of the violations of the great charter and that of foreſts; the violent ſeizures of corn, leather, cattle, and above all, of wool, a commodity which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary impoſition of forty ſhillings a ſack on the ſmall quantity of wool allowed to be exported by the merchants; and they claimed an immediate redreſs of all theſe grievances. The king told them, that the greater parts of his council were now at a diſtance, and without their advice he could not deliberate on meaſures of ſo great importance.

But the conſtable and mareſchal, with the barons of their party, reſolved to take advantage of Edward's abſence, and to obtain an explicit aſſent to their demands. When ſummoned to attend the parliament at London, they came with a great body of cavalry and infantry; and before they would enter the city, required that the gates ſhould be put into their cuſtody. The primate, who ſecretly favoured all their pretenſions, adviſed the council to comply; and thus they became maſters both of the young prince and of the reſolutions of parliament. Their demands, however, were moderate; and ſuch as ſufficiently juſtify the purity of their intentions in all their paſt meaſures: They only required, that the two charters ſhould receive a ſolemn confirmation; that a clauſe ſhould be added to ſecure the nation for ever againſt all impoſitions and taxes without conſent of parliament; and that they themſelves, and their adherents, who had refuſed to attend the king into Flanders, ſhould be pardoned for the

offence,

offence, and ſhould be again received into favour. The prince of Wales and his council aſſented to theſe terms; and the charters were ſent over to the king in Flanders, to be there confirmed by him. Edward felt the utmoſt reluctance to this meaſure, which, he apprehended, would for the future impoſe fetters on his conduct, and ſet limits to his lawleſs authority. On various pretences he delayed three days giving any anſwer to the deputies; and when the pernicious conſequences of his refuſal were repreſented to him, he was at laſt obliged, after many internal ſtruggles, to affix his ſeal to the charters, as alſo to the clauſe that bereaved him of the power, which he had hitherto aſſumed, of impoſing arbitrary taxes upon the people.

That we may finiſh at once this intereſting tranſaction concerning the ſettlement of the charters, we ſhall briefly mention the ſubſequent events which relate to it. The conſtable and mareſchal, informed of the king's compliance, were ſatisfied; and not only ceaſed from diſturbing the government, but aſſiſted the regency with their power againſt the Scots, who had riſen in arms, and had thrown off the yoke of England. But being ſenſible that the ſmalleſt pretence would ſuffice to make Edward retract theſe deteſted laws, which, though they had often received the ſanction both of king and parliament, and had been acknowledged during three reigns, were never yet deemed to have ſufficient validity; they inſiſted, that he ſhould again confirm them on his return to England, and ſhould thereby renounce all plea which he might derive from his reſiding in a foreign country, when he formerly affixed his ſeal to them. It appeared that they judged aright of Edward's character and intentions: He delayed his confirmation as long as poſſible; and when the fear of worſe conſequences obliged him again to comply, he expreſsly added a ſalvo for his royal dignity or prerogative, which in effect enervated the whole force of the charters. The two earls and their adherents left the parliament in diſguſt; and the king was conſtrained, on a future occaſion, to grant to the people, without any ſubterfuge, a pure and abſolute

abſolute confirmation of thoſe laws, which were ſo much the object of their paſſionate affection. Even farther ſecurities were then provided for the eſtabliſhment of national privileges. Three knights were appointed to be choſen in each county, and were inveſted with the power of puniſhing, by fine and impriſonment, every tranſgreſſion or violation of the charters: A precaution which, though it was ſoon diſuſed, as encroaching too much on royal prerogative, proves the attachment which the Engliſh, in that age, bore to liberty, and their well-grounded jealouſy of the arbitrary diſpoſition of Edward.

The work, however, was not yet entirely finiſhed and complete. In order to execute the leſſer charter, it was requiſite, by new perambulations, to ſet bounds to the royal foreſts, and to diſafforeſt all land which former encroachments had comprehended within their limits. Edward diſcovered the ſame reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many ſolicitations and requeſts, and even menaces of war and violence * on the part of the barons, that the perambulations were made, and exact boundaries fixed, by a jury in each county, to the extent of his foreſts. Had not his ambitious and active temper raiſed him ſo many foreign enemies, and obliged him to have recourſe ſo often to the aſſiſtance of his ſubjects, it is not likely that thoſe conceſſions could ever have been extorted from him.

But while the people, after ſo many ſucceſsful ſtruggles, deemed themſelves happy in the ſecure poſſeſſion of their privileges, they were ſurpriſed in 1305 to find that Edward had ſecretly applied to Rome, and had procured, from that mercenary court, an abſolution

* Walſing. p. 80. We are told by Tyrrell, from the chronicle of St. Albans, that the barons, not content with the execution of the charter of foreſts, demanded of Edward as high terms as had been impoſed on his father by the earl of Leiceſter: But no other hiſtorian mentions this particular.

from

from all the oaths and engagements, which he had ſo often reiterated, to obſerve both the charters. There are ſome hiſtorians ſo credulous as to imagine, that this perilous ſtep was taken by him for no other purpoſe than to acquire the merit of granting a new confirmation of the charters, as he did ſoon after; and a confirmation ſo much the more unqueſtionable, as it could never after be invalidated by his ſucceſſors, on pretence of any force or violence which had been impoſed upon him. But beſides that this might have been done with a better grace, if he had never applied for any ſuch abſolution, the whole tenor of his conduct proves him to be little ſuſceptible of ſuch refinements in patriotiſm; and this very deed itſelf, in which he anew confirmed the charters, carries on the face of it a very oppoſite preſumption. Though he ratified the charters in general, he ſtill took advantage of the papal bull ſo far as to invalidate the late perambulations of the foreſts, which had been made with ſuch care and attention, and to reſerve to himſelf the power, in caſe of favourable incidents, to extend as much as formerly thoſe arbitrary juriſdictions. If the power was not in fact made uſe of, we can only conclude that the favourable incidents did not offer.

Thus, after the conteſts of near a whole century, and theſe ever accompanied with violent jealouſies, often with public convulſions, the Great Charter was finally eſtabliſhed; and the Engliſh nation have the honour of extorting, by their perſeverance, this conceſſion from the ableſt, the moſt warlike, and the moſt ambitious of all their princes *. It is computed, that above thirty confirmations of the charter were at different times required of ſeveral kings, and granted by them, in full

* It muſt, however, be remarked, that the king never forgave the chief actors in this tranſaction; and he found means afterwards to oblige both the conſtable and mareſchal to reſign their offices into his hands. The former received a new grant of it: But the office of mareſchal was given to Thomas of Brotherton, the king's ſecond ſon.

parlia-

parliament; a precaution which, while it diſcovers ſome ignorance of the true nature of law and government, proves a laudable jealouſy of national privileges in the people, and an extreme anxiety leſt contrary precedents ſhould ever be pleaded as an authority for infringing them. Accordingly we find, that, though arbitrary practices often prevailed, and were even able to eſtabliſh themſelves into ſettled cuſtoms, the validity of the Great Charter was never afterwards formally diſputed; and that grant was ſtill regarded as the baſis of Engliſh government, and the ſure rule by which the authority of every cuſtom was to be tried and canvaſſed. The juriſdiction of the Star-chamber, martial law, impriſonment by warrants from the privy council, and other practices of a like nature, though eſtabliſhed for ſeveral centuries, were ſcarcely ever allowed by the Engliſh to be parts of their conſtitution: The affection of the nation for liberty ſtill prevailed over all precedent, and even all political reaſoning: The exerciſe of theſe powers, after being long the ſource of ſecret murmurs among the people, was, in fulneſs of time, ſolemnly aboliſhed, as illegal, at leaſt as oppreſſive, by the whole legiſlative authority.

To return to the period from which this account of the charters has led us: Though the king's impatience to appear at the head of his armies in Flanders made him overlook all conſiderations, either of domeſtic diſcontents or of commotions among the Scots; his embarkation had been ſo long retarded by the various obſtructions thrown in his way, that he loſt the proper ſeaſon for action, and after his arrival made no progreſs againſt the enemy. The king of France, taking advantage of his abſence, had broken into the Low Countries; had defeated the Flemings in the battle of Furnes; had made himſelf maſter of Lille, St. Omer, Courtrai, and Ypres; and ſeemed in a ſituation to take full vengeance on the earl of Flanders, his rebellious vaſſal. But Edward, ſeconded by an Engliſh army of 50,000 men (for this is the number aſſigned by hiſtorians), was able to ſtop the career of his victories; and

Philip,

Philip, finding all the weak reſources of his kingdom already exhauſted, began to dread a reverſe of fortune, and to apprehend an invaſion on France itſelf. The king of England, on the other hand, diſappointed of aſſiſtance from Adolph king of the Romans, which he had purchaſed at a very high price, and finding many urgent calls for his preſence in England, was deſirous of ending, on any honourable terms, a war which ſerved only to divert his force from the execution of more important projects. This diſpoſition in both monarchs ſoon produced a ceſſation of hoſtilities for two years; and engaged them to ſubmit their differences to the arbitration of pope Boniface.

(1298.) Boniface was among the laſt of the ſovereign pontiffs that exerciſed an authority over the temporal juriſdiction of princes; and theſe exorbitant pretenſions, which he had been tempted to aſſume from the ſucceſsful example of his predeceſſors, but of which the ſeaſon was now paſt, involved him in ſo many calamities, and were attended with ſo unfortunate a cataſtrophe, that they have been ſecretly abandoned, though never openly relinquiſhed, by his ſucceſſors in the apoſtolic chair. Edward and Philip, equally jealous of papal claims, took care to inſert in their reference, that Boniface was made judge of the difference by their conſent, as a private perſon, not by any right of his pontificate; and the pope, without ſeeming to be offended at this mortifying clauſe, proceeded to give a ſentence between them, in which they both acquieſced. He brought them to agree that their union ſhould be cemented by a double marriage; that of Edward himſelf, who was now a widower, with Margaret, Philip's ſiſter, and that of the prince of Wales with Iſabella, daughter of that monarch. Philip was likewiſe willing to reſtore Guienne to the Engliſh, which he had indeed no good pretence to detain; but he inſiſted that the Scots, and their king John Baliol, ſhould, as his allies, be comprehended in the treaty, and ſhould be reſtored to their liberty. The difference, after ſeveral diſputes, was compromiſed, by their making mutual ſacrifices

crifices to each other. Edward agreed to abandon his ally the earl of Flanders, on condition that Philip ſhould treat in like manner his ally the king of Scots. The proſpect of conquering theſe two countries, whoſe ſituation made them ſo commodious an acquiſition to the reſpective kingdoms, prevailed over all other conſiderations; and though they were both finally diſappointed in their hopes, their conduct was very reconcileable to the principles of an intereſted policy. This was the firſt ſpecimen which the Scots had of the French alliance, and which was exactly conformable to what a ſmaller power muſt always expect, when it blindly attaches itſelf to the will and fortunes of a greater. That unhappy people, now engaged in a brave though unequal conteſt for their liberties, were totally abandoned by the ally in whom they repoſed their final confidence, to the will of an imperious conqueror.

Though England as well as other European countries was, in its ancient ſtate, very ill qualified for making, and ſtill worſe for maintaining, conqueſts, Scotland was ſo much inferior in its internal force, and was ſo ill ſituated for receiving foreign ſuccours, that it is no wonder Edward, an ambitious monarch, ſhould have caſt his eye on ſo tempting an acquiſition, which brought both ſecurity and greatneſs to his native country. But the inſtruments whom he employed to maintain his dominion over the northern kingdom were not happily choſen; and acted not with the requiſite prudence and moderation in reconciling the Scottiſh nation to a yoke which they bore with ſuch extreme reluctance. Warenne, retiring into England on account of his bad ſtate of health, left the adminiſtration entirely in the hands of Ormeſby, who was appointed juſticiary of Scotland, and Creſſingham, who bore the office of treaſurer; and a ſmall military force remained to ſecure the precarious authority of thoſe miniſters. The latter had no other object than the amaſſing of money by rapine and injuſtice: The former diſtinguiſhed himſelf by the rigour and ſeverity of his temper: And both of them treating the Scots as a conquered

quered people, made them ſenſible too early of the grievous ſervitude into which they had fallen. As Edward required that all the proprietors of land ſhould ſwear fealty to him; every one who refuſed or delayed giving this teſtimony of ſubmiſſion, was outlawed and impriſoned, and puniſhed without mercy; and the braveſt and moſt generous ſpirits of the nation were thus exaſperated to the higheſt degree againſt the Engliſh government.

There was one William Wallace, of a ſmall fortune, but deſcended of an ancient family in the weſt of Scotland, whoſe courage prompted him to undertake, and enabled him finally to accompliſh, the deſperate attempt of delivering his native country from the dominion of foreigners. This man, whoſe valorous exploits are the object of juſt admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the inſolence of an Engliſh officer to put him to death; and finding himſelf obnoxious on that account to the ſeverity of the adminiſtration, he fled into the woods, and offered himſelf as a leader to all thoſe whom their crimes, or bad fortune, or avowed hatred of the Engliſh, had reduced to a like neceſſity. He was endowed with gigantic force of body, with heroic courage of mind, with diſintereſted magnanimity, with incredible patience, and ability to bear hunger, fatigue, and all the ſeverities of the ſeaſons; and he ſoon acquired, among thoſe deſperate fugitives, that authority to which his virtues ſo juſtly entitled him. Beginning with ſmall attempts, in which he was always ſucceſsful, he gradually proceeded to more momentous enterpriſes; and he diſcovered equal caution in ſecuring his followers, and valour in annoying the enemy. By his knowledge of the country he was enabled, when purſued, to enſure a retreat among the moraſſes, or foreſts, or mountains; and again collecting his diſperſed aſſociates, he unexpectedly appeared in another quarter, and ſurpriſed, and routed, and put to the ſword the unwary Engliſh. Every day brought accounts of his great actions, which were received with

no leſs favour by his countrymen than terror by the enemy: All thoſe who thirſted after military fame were deſirous to partake of his renown: His ſucceſsful valour ſeemed to vindicate the nation from the ignominy into which it had fallen, by its tame ſubmiſſion to the Engliſh: And though no nobleman of note ventured as yet to join his party, he had gained a general confidence and attachment, which birth and fortune are not alone able to confer.

Wallace having, by many fortunate enterpriſes, brought the valour of his followers to correſpond to his own, reſolved to ſtrike a deciſive blow againſt the Engliſh government; and he concerted the plan of attacking Ormeſby at Scone, and of taking vengeance on him for all the violence and tyranny of which he had been guilty. The juſticiary, appriſed of his intentions, fled haſtily into England: All the other officers of that nation imitated his example: Their terror added alacrity and courage to the Scots, who betook themſelves to arms in every quarter: Many of the principal barons, and among the reſt ſir William Douglas, openly countenanced Wallace's party: Robert Bruce ſecretly favoured and promoted the ſame cauſe: and the Scots ſhaking off their fetters, prepared themſelves to defend, by an united effort, that liberty which they had ſo unexpectedly recovered from the hands of their oppreſſors.

But Warenne, collecting an army of 40,000 men in the north of England, determined to re-eſtabliſh his authority; and he endeavoured, by the celerity of his armament and of his march, to compenſate for his paſt negligence, which had enabled the Scots to throw off the Engliſh government. He ſuddenly entered Annandale, and came up with the enemy at Irvine, before their forces were fully collected, and before they had put themſelves in a poſture of defence. Many of the Scottiſh nobles, alarmed with their dangerous ſituation, here ſubmitted to the Engliſh, renewed their oaths of fealty, promiſed to deliver hoſtages for their good behaviour, and received a pardon for paſt offences. Others

who

who had not yet declared themſelves, ſuch as the ſteward of Scotland and the earl of Lenox, joined, though with reluctance, the Engliſh army; and waited a favourable opportunity for embracing the cauſe of their diſtreſſed countrymen. But Wallace, whoſe authority over his retainers was more fully confirmed by the abſence of the great nobles, perſevered obſtinately in his purpoſe; and finding himſelf unable to give battle to the enemy, he marched northwards, with an intention of prolonging the war, and of turning to his advantage the ſituation of that mountainous and barren country. When Warenne advanced to Stirling, he found Wallace encamped at Cambuſkenneth, on the oppoſite banks of the Forth; and being continually urged by the impatient Creſſingham, who was actuated both by perſonal and national animoſities againſt the Scots, he prepared to attack them in that poſition, which Wallace, no leſs prudent than courageous, had choſen for his army. In ſpite of the remonſtrances of ſir Richard Lundy, a Scotchman of birth and family, who ſincerely adhered to the Engliſh, he ordered his army to paſs a bridge which lay over the Forth; but he was ſoon convinced, by fatal experience, of the error of his conduct. Wallace, allowing ſuch numbers of the Engliſh to paſs as he thought proper, attacked them before they were fully formed, put them to rout, puſhed part of them into the river, deſtroyed the reſt by the edge of the ſword, and gained a complete victory over them. Among the ſlain was Creſſingham himſelf, whoſe memory was ſo extremely odious to the Scots, that they flayed his dead body, and made ſaddles and girths of his ſkin. Warenne, finding the remainder of his army much diſmayed by this misfortune, was obliged again to evacuate the kingdom, and retire into England. The caſtles of Roxborough and Berwic, ill fortified and feebly defended, fell ſoon after into the hands of the Scots.

Wallace, univerſally revered as the deliverer of his country, now received from the hands of his followers the dignity of regent or guardian under the captive

Baliol; and finding that the diſorders of war, as well as the unfavourable ſeaſons, had produced a famine in Scotland, he urged his army to march into England, to ſubſiſt at the expenſe of the enemy, and to revenge all paſt injuries, by retaliating on that hoſtile nation. The Scots, who deemed every thing poſſible under ſuch a leader, joyfully attended his call. Wallace, breaking into the northern counties during the winter ſeaſon, laid every place waſte with fire and ſword; and after extending on all ſides, without oppoſition, the fury of his ravages as far as the biſhopric of Durham, he returned, loaded with ſpoils, and crowned with glory, into his own country. The diſorders which at that time prevailed in England, from the refractory behaviour of the conſtable and mareſchal, made it impoſſible to collect an army ſufficient to reſiſt the enemy, and expoſed the nation to this loſs and diſhonour.

But Edward, who received in Flanders intelligence of theſe events, and had already concluded a truce with France, now haſtened over to England, in certain hopes, by his activity and valour, not only of wiping off this diſgrace, but of recovering the important conqueſt of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeaſed the murmurs of his people by conceſſions and promiſes: He reſtored to the citizens of London the election of their own magiſtrates, of which they had been bereaved in the latter part of his father's reign: He ordered ſtrict inquiry to be made concerning the corn and other goods which had been violently ſeized before his departure, as if he intended to pay the value to the owners: And making public profeſſions of confirming and obſerving the charters, he regained the confidence of the diſcontented nobles. Having, by all theſe popular arts, rendered himſelf entirely maſter of his people, he collected the whole military force of England, Wales, and Ireland, and marched with an army of near a hundred thouſand combatants to the northern frontiers.

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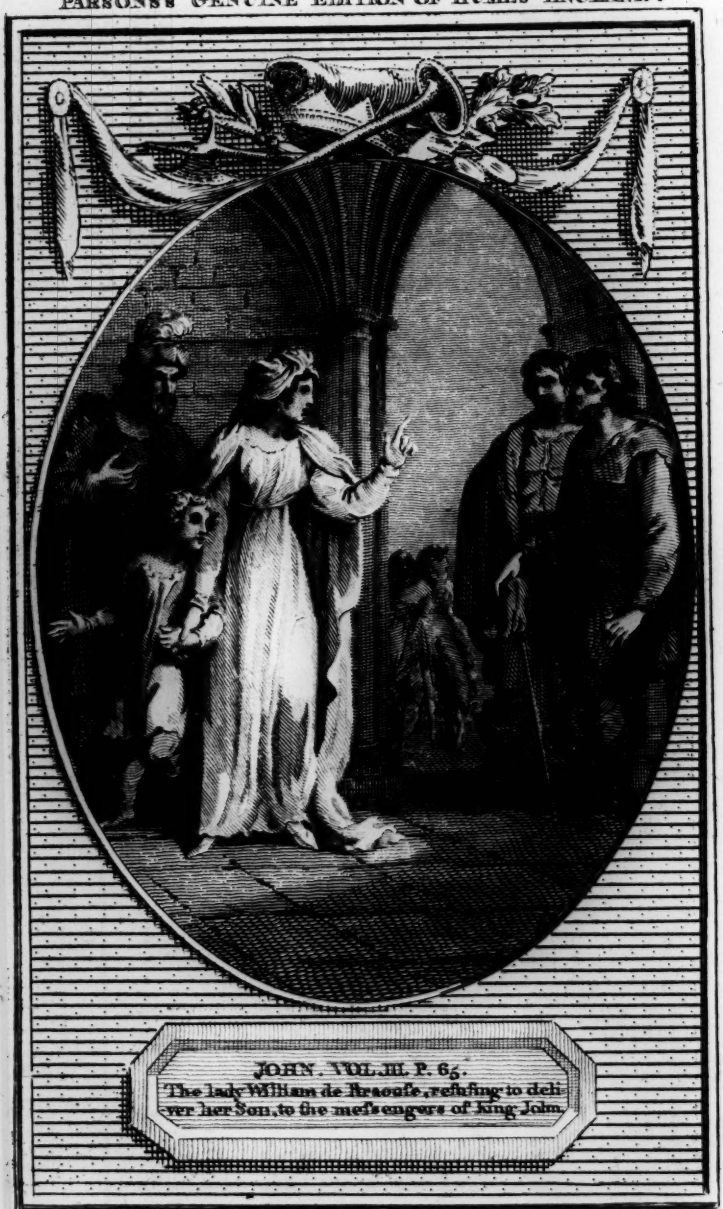


JOHN. VOL. III. P. 65.

The lady William de Braouse, refuſing to deliver her Son, to the meſſengers of King John.

Ryley, del.t Engraved for J. Parsons 21, Paternoster Row. July 1793. Sarazin sc.t

Nothing could have enabled the Scots to reſiſt but for one ſeaſon ſo mighty a power, except an entire union among themſelves; but as they were deprived of their king, whoſe perſonal qualities, even when he was preſent, appeared ſo contemptible, and had left among his ſubjects no principle of attachment to him or his family, factions, jealouſies, and animoſities, unavoidably aroſe among the great, and diſtracted all their councils. The elevation of Wallace, though purchaſed by ſo great merit and ſuch eminent ſervices, was the object of envy to the nobility, who repined to ſee a private gentleman raiſed above them by his rank, and ſtill more by his glory and reputation. Wallace himſelf, ſenſible of their jealouſy, and dreading the ruin of his country from thoſe inteſtine diſcords, voluntarily reſigned his authority, and retained only the command over that body of his followers, who, being accuſtomed to victory under his ſtandard, refuſed to follow into the field any other leader. The chief power devolved on the ſteward of Scotland, and Cummin of Badenoch; men of eminent birth, under whom the great chieftains were more willing to ſerve in defence of their country. The two Scottiſh commanders, collecting their ſeveral forces from every quarter, fixed their ſtation at Falkirk, and purpoſed there to abide the aſſault of the Engliſh. Wallace was at the head of a third body, which acted under his command. The Scottiſh army placed their pikemen along their front; Lined the intervals between the three bodies with archers: And dreading the great ſuperiority of the Engliſh in cavalry, endeavoured to ſecure their front by palliſadoes, tied together by ropes. In this diſpoſition they expected the approach of the enemy.

The king, when he arrived in ſight of the Scots (22d July), was pleaſed with the proſpect of being able, by one deciſive ſtroke, to determine the fortune of the war; and dividing his army alſo into three bodies, he led them to the attack. The Engliſh archers, who began about this time to ſurpaſs thoſe of other nations, firſt chaſed the Scottiſh bowmen off the field; then pouring in their arrows among the pikemen, who were cooped

up within their intrenchments, threw them into diſorder, and rendered the aſſault of the Engliſh pikemen and cavalry more eaſy and ſucceſsful. The whole Scottiſh army was broken, and chaſed off the field with great ſlaughter; which the hiſtorians, attending more to the exaggerated relations of the populace than to the probability of things, make amount to fifty or ſixty thouſand men. It is only certain that the Scots never ſuffered a greater loſs in any action, nor one which ſeemed to threaten more inevitable ruin to their country.

In this general rout of the army, Wallace's military ſkill and preſence of mind enabled him to keep his troops entire; and retiring behind the Carron, he marched leiſurely along the banks of that ſmall river, which protected him from the enemy. Young Bruce, who had already given many proofs of his aſpiring genius, but who ſerved hitherto in the Engliſh army, appeared on the oppoſite banks; and diſtinguiſhing the Scottiſh chief, as well by his majeſtic port, as by the intrepid activity of his behaviour, called out to him, and deſired a ſhort conference. He here repreſented to Wallace the fruitleſs and ruinous enterpriſe in which he was engaged; and endeavoured to bend his inflexible ſpirit to ſubmiſſion under ſuperior power and ſuperior fortune: He inſiſted on the unequal conteſt between a weak ſtate, deprived of its head and agitated by inteſtine diſcord, and a mighty nation, conducted by the ableſt and moſt martial monarch of the age, and poſſeſſed of every reſource either for protracting the war, or for puſhing it with vigour and activity: If the love of his country were his motive for perſeverance, his obſtinacy tended only to prolong her miſery; if he carried his views to private grandeur and ambition, he might reflect that, even if Edward ſhould withdraw his armies, it appeared from paſt experience, that ſo many haughty nobles, proud of the preeminence of their families, would never ſubmit to perſonal merit, whoſe ſuperiority they were leſs inclined to regard as an object of admiration, than as a reproach and injury to themſelves. To theſe exhortations Wallace replied, that, if he had hitherto acted alone as the champion

champion of his country, it was ſolely becauſe no ſecond or competitor, or, what he rather wiſhed, no leader, had yet appeared to place himſelf in that honourable ſtation: That the blame lay entirely on the nobility, and chiefly on Bruce himſelf, who, uniting perſonal merit to dignity of family, had deſerted the poſt which both nature and fortune, by ſuch powerful calls, invited him to aſſume: That the Scots, poſſeſſed of ſuch a head, would, by their unanimity and concord, have ſurmounted the chief difficulty under which they now laboured, and might hope, notwithſtanding their preſent loſſes, to oppoſe ſucceſsfully all the powers and abilities of Edward: That Heaven itſelf could not ſet a more glorious prize before the eyes either of virtue or ambition, than to join in one object, the acquiſition of royalty with the defence of national independence: And that as the intereſts of his country, more than thoſe of a brave man, could never be ſincerely cultivated by a ſacrifice of liberty, he himſelf was determined, as far as poſſible, to prolong not her miſery but her freedom, and was deſirous that his own life, as well as the exiſtence of the nation, might terminate, when they could no otherwiſe be preſerved than by receiving the chains of a haughty victor. The gallantry of theſe ſentiments, though delivered by an armed enemy, ſtruck the generous mind of Bruce: The flame was conveyed from the breaſt of one hero to that of another: He repented of his engagements with Edward; and opening his eyes to the honourable path pointed out to him by Wallace, ſecretly determined to ſeize the firſt opportunity of embracing the cauſe, however deſperate, of his oppreſſed country *.

(1299.) The ſubjection of Scotland, notwithſtanding this great victory of Edward, was not yet entirely completed. The Engliſh army, after reducing the ſouthern provinces, was obliged to retire for want of proviſions;

* This ſtory is told by all the Scotch writers; though it muſt be owned that Trivet and Hemingford, authors of good credit, both agree that Bruce was not at that time in Edward's army.

and

and left the northern counties in the hands of the natives. The Scots, no leſs enraged at their preſent defeat, than elated by their paſt victories, ſtill maintained the conteſt for liberty; but being fully ſenſible of the great inferiority of their force, they endeavoured, by applications to foreign courts, to procure to themſelves ſome aſſiſtance. The ſupplications of the Scottiſh miniſters were rejected by Philip; but were more ſucceſsful with the court of Rome. Boniface, pleaſed with an occaſion of exerting his authority, wrote a letter to Edward (1309), exhorting him to put a ſtop to his oppreſſions in Scotland, and diſplaying all the proofs, ſuch as they had probably been furniſhed him by the Scots themſelves, for the ancient independence of that kingdom. Among other arguments, hinted at above, he mentioned the treaty conducted and finiſhed by Edward himſelf, for the marriage of his ſon with the heireſs of Scotland; a treaty which would have been abſurd, had he been ſuperior lord of the kingdom, and had poſſeſſed, by the feudal law, the right of diſpoſing of his ward in marriage. He mentioned ſeveral other ſtriking facts, which fell within the compaſs of Edward's own knowledge; particularly, that Alexander, when he did homage to the king, openly and expreſly declared in his preſence, that he ſwore fealty not for his crown, but for the lands which he held in England: And the pope's letter might have paſſed for a reaſonable one, had he not ſubjoined his own claim to be liege lord of Scotland; a claim which had not once been heard of, but which, with a ſingular confidence, he aſſerted to be full, entire, and derived from the moſt remote antiquity. The affirmative ſtyle, which had been ſo ſucceſsful with him and his predeceſſors in ſpiritual conteſts, was never more abuſed after a more egregious manner in any civil controverſy.

(1301.) The reply, which Edward made to Boniface's letter, contains particulars no leſs ſingular and remarkable. He there proves the ſuperiority of England by hiſtorical facts, deduced from the period of Brutus the Trojan, who, he ſaid, founded the Britiſh monarchy

monarchy in the age of Eli and Samuel: He ſupports his poſition by all the events which paſſed in the iſland before the arrival of the Romans: And after laying great ſtreſs on the extenſive dominions and heroic victories of king Arthur, he vouchſafes at laſt to deſcend to the time of Edward the Elder, with which, in his ſpeech to the ſtates of Scotland, he had choſen to begin his claim of ſuperiority. He aſſerts it to be a fact, *notorious and confirmed by the records of antiquity*, that the Engliſh monarchs had often conferred the kingdom of Scotland on their own ſubjects; had dethroned theſe vaſſal kings when unfaithful to them; and had ſubſtituted others in their ſtead. He diſplays with great pomp the full and complete homage which William had done to Henry II., without mentioning the formal abolition of that *extorted* deed by king Richard, and the renunciation of all future claims of the ſame nature. Yet this paper he begins with a ſolemn appeal to the Almighty, the ſearcher of hearts, for his own firm perſuaſion of the juſtice of his claim; and no leſs than a hundred and four barons aſſembled in parliament at Lincoln, concur in maintaining before the pope, under their ſeals, the validity of theſe pretenſions. At the ſame time, however, they take care to inform Boniface, that, though they had juſtified their cauſe before him, they did not acknowledge him for their judge: The crown of England was free and ſovereign: They had ſworn to maintain all its royal prerogatives, and would never permit the king himſelf, were he willing, to relinquiſh its independence.

(1302.) That neglect, almoſt total, of truth and juſtice, which ſovereign ſtates diſcover in their tranſactions with each other, is an evil univerſal and inveterate; is one great ſource of the miſery to which the human race is continually expoſed; and it may be doubted whether, in many inſtances, it be found in the end to contribute to the intereſts of thoſe princes themſelves, who thus ſacrifice their integrity to their politics. As few monarchs have lain under ſtronger temptations to violate the principles of equity, than Edward in his tranſactions with Scotland; ſo never were they violated with

with leſs ſcruple and reſerve: Yet his advantages were hitherto precarious and uncertain; and the Scots, once rouſed to arms and enured to war, began to appear a formidable enemy, even to this military and ambitious monarch. They choſe John Cummin for their regent; and not content with maintaining their independence in the northern parts, they made incurſions into the ſouthern counties, which Edward imagined he had totally ſubdued. John de Segrave, whom he left guardian of Scotland, led an army to oppoſe them; and lying at Roſlin, near Edinburgh, ſent out his forces (1303, 24th February) in three diviſions, to provide themſelves with forage and ſubſiſtence from the neighbourhood. One party was ſuddenly attacked by the regent and ſir Simon Fraſer; and being unprepared, was immediately routed and purſued with great ſlaughter. The few that eſcaped, flying to the ſecond diviſion, gave warning of the approach of the enemy: The ſoldiers ran to their arms; and were immediately led on to take revenge for the death of their countrymen. The Scots, elated with the advantage already obtained, made a vigorous impreſſion upon them: The Engliſh, animated with a thirſt of vengeance, maintained a ſtout reſiſtance: The victory was long undecided between them; but at laſt declared itſelf entirely in favour of the former, who broke the Engliſh and chaſed them to the third diviſion, now advancing with a haſty march to ſupport their diſtreſſed companions. Many of the Scots had fallen in the two firſt actions; moſt of them were wounded; and all of them extremely fatigued by the long continuance of the combat: Yet were they ſo tranſported with ſucceſs and military rage, that, having ſuddenly recovered their order, and arming the followers of their camp with the ſpoils of the ſlaughtered enemy, they drove with fury upon the ranks of the diſmayed Engliſh. The favourable moment decided the battle; which the Scots, had they met with a ſteady reſiſtance, were not long able to maintain: The Engliſh were chaſed off the field: Three victories were thus gained in one day: And the renown of theſe great

great exploits, ſeconded by the favourable diſpoſitions of the people, ſoon made the regent maſter of all the fortreſſes in the ſouth; and it became neceſſary for Edward to begin anew the conqueſt of the kidgdom.

The king prepared himſelf for this enterpriſe with his uſual vigour and abilities. He aſſembled both a great fleet and a great army; and entering the frontiers of Scotland, appeared with a force which the enemy could not think of reſiſting in the open field: The Engliſh navy, which ſailed along the coaſt, ſecured the army from any danger of famine: Edward's vigilance preſerved it from ſurpriſes: And by this prudent diſpoſition they marched victorious from one extremity of the kingdom to the other, ravaging the open country, reducing all the caſtles, and receiving the ſubmiſſions of all the nobility, even thoſe of Cummin the regent. The moſt obſtinate reſiſtance was made by the caſtle of Brechin, defended by ſir Thomas Maule; and the place opened not its gates, till the death of the governor, by diſcouraging the garriſon, obliged them to ſubmit to the fate which had overwhelmed the reſt of the kingdom. Wallace, though he attended the Engliſh army in their march, found but few opportunities of ſignalizing that valour which had formerly made him ſo terrible to his enemies.

(1304.) Edward having completed his conqueſt, which employed him during the ſpace of near two years, now undertook the more difficult work of ſettling the country, of eſtabliſhing a new form of government, and of making his acquiſition durable to the crown of England. He ſeems to have carried matters to extremity againſt the natives: He abrogated all the Scottiſh laws and cuſtoms: He endeavoured to ſubſtitute the Engliſh in their place: He entirely raſed or deſtroyed all the monuments of antiquity: Such records or hiſtories as had eſcaped his former ſearch were now burnt or diſperſed: And he haſtened, by too precipitate ſteps, to aboliſh entirely the Scottiſh name, and to ſink it finally in the Engliſh.

(1305.)

(1305.) Edward, however, ſtill deemed his favourite conqueſt expoſed to ſome danger, ſo long as Wallace was alive; and being prompted both by revenge and policy, he employed every art to diſcover his retreat, and become maſter of his perſon. At laſt, that hardy warrior, who was determined, amidſt the univerſal ſlavery of his countrymen, ſtill to maintain his independency, was betrayed into Edward's hands by ſir John Monteith, his friend, whom he had made acquainted with the place of his concealment. The king, whoſe natural bravery and magnanimity ſhould have induced him to reſpect like qualities in an enemy, enraged at ſome acts of violence committed by Wallace during the fury of war, reſolved to overawe the Scots by an example of ſeverity: He ordered Wallace (23d Auguſt) to be carried in chains to London; to be tried as a rebel and traitor, though he had never made ſubmiſſions, or ſworn fealty to England, and to be executed on Tower-hill. This was the unworthy fate of a hero, who, through a courſe of many years, had, with ſignal conduct, intrepidity, and perſeverance, defended, againſt a public and oppreſſive enemy, the liberties of his native country.

But the barbarous policy of Edward failed of the purpoſe to which it was directed. The Scots, already diſguſted at the great innovations introduced by the ſword of a conqueror into their laws and government, were farther enraged at the injuſtice and cruelty exerciſed upon Wallace; and all the envy which, during his life-time, had attended that gallant chief, being now buried in his grave, he was univerſally regarded as the champion of Scotland, and the patron of her expiring independency. The people, inflamed with reſentment, were every-where diſpoſed to riſe againſt the Engliſh government; and it was not long ere a new and more fortunate leader preſented himſelf, who conducted them to liberty, to victory, and to vengeance.

(1306.) Robert Bruce, grandſon of that Robert who had been one of the competitors for the crown, had ſucceeded, by his grandfather's and father's death, to all their

their rights; and the demiſe of John Baliol, together with the captivity of Edward, eldeſt ſon of that prince, ſeemed to open a full career to the genius and ambition of this young nobleman. He ſaw that the Scots, when the title to their crown had expired in the males of their ancient royal family, had been divided into parties nearly equal between the houſes of Bruce and Baliol; and that every incident, which had ſince happened, had tended to wean them from any attachment to the latter. The ſlender capacity of John had proved unable to defend them againſt their enemies: He had meanly reſigned his crown into the hands of the conqueror: He had, before his deliverance from captivity, reiterated that reſignation in a manner ſeemingly voluntary; and had in that deed thrown out many reflections extremely diſhonourable to his ancient ſubjects, whom he publicly called traitors, ruffians, and rebels, and with whom he declared he was determined to maintain no farther correſpondence: He had, during the time of his exile, adhered ſtrictly to that reſolution; and his ſon, being a priſoner, ſeemed ill qualified to revive the rights, now fully abandoned, of his family. Bruce therefore hoped that the Scots, ſo long expoſed from the want of a leader to the oppreſſions of their enemies, would unanimouſly fly to his ſtandard, and would ſeat him on the vacant throne, to which he brought ſuch plauſible pretenſions. His aſpiring ſpirit, inflamed by the fervour of youth, and buoyed up by his natural courage, ſaw the glory alone of the enterpriſe, or regarded the prodigious difficulties which attended it, as the ſource only of farther glory. The miſeries and oppreſſions which he had beheld his countrymen ſuffer in their unequal conteſt; the repeated defeats and misfortunes which they had undergone; proved to him ſo many incentives to bring them relief, and conduct them to vengeance againſt the haughty victor. The circumſtances which attended Bruce's firſt declaration are variouſly related; but we ſhall rather follow the account given by the Scottiſh hiſtorians; not that their authority is in general anywiſe comparable to

that of the Engliſh, but becauſe they may be ſuppoſed ſometimes better informed concerning facts which ſo nearly intereſted their own nation.

Bruce, who had long harboured in his breaſt the deſign of freeing his enſlaved country, ventured at laſt to open his mind to John Cummin, a powerful nobleman, with whom he lived in ſtrict intimacy. He found his friend, as he imagined, fully poſſeſſed with the ſame ſentiments; and he needed to employ no arts of perſuaſion to make him embrace the reſolution of throwing off, on the firſt favourable opportunity, the uſurped dominion of the Engliſh. But on the departure of Bruce, who attended Edward to London, Cummin, who either had all along diſſembled with him, or began to reflect more coolly in his abſence on the deſperate nature of his undertaking, reſolved to atone for his crime in aſſenting to this rebellion, by the merit of revealing the ſecret to the king of England. Edward did not immediately commit Bruce to cuſtody; becauſe he intended at the ſame time to ſeize his three brothers, who reſided in Scotland; and he contented himſelf with ſecretly ſetting ſpies upon him, and ordering all his motions to be ſtrictly watched. A nobleman of Edward's court, Bruce's intimate friend, was apprized of his danger; but not daring, amidſt ſo many jealous eyes, to hold any converſation with him, he fell on an expedient to give him warning, that it was full time he ſhould make his eſcape. He ſent him by his ſervant a pair of gilt ſpurs, and a purſe of gold, which he pretended to have borrowed from him; and left it to the ſagacity of his friend to diſcover the meaning of the preſent. Bruce immediately contrived the means of his eſcape; and as the ground was at that time covered with ſnow, he had the precaution, it is ſaid, to order his horſes to be ſhod with their ſhoes inverted, that he might deceive thoſe who ſhould track his path over the open fields or croſs roads, through which he purpoſed to travel. He arrived in a few days at Dumfries in Annandale, the chief ſeat of his family intereſt; and he happily found a great number of the Scottiſh nobility there

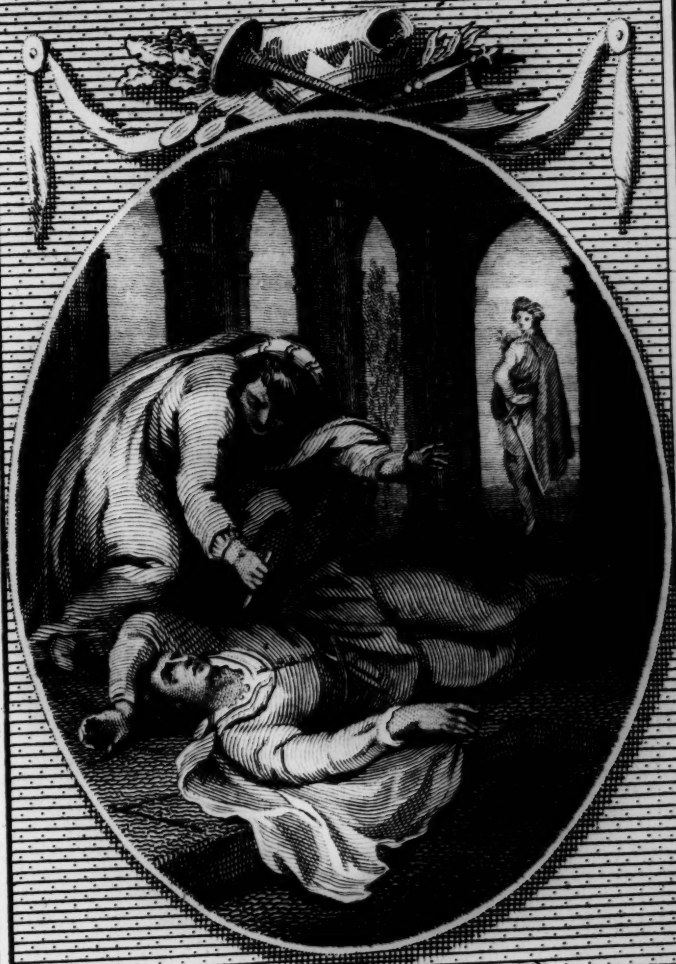
aſſembled, and among the reſt, John Cummin, his former aſſociate.

The noblemen were aſtoniſhed at the appearance of Bruce among them (10th February); and ſtill more when he diſcovered to them the object of his journey. He told them that he was come to live or die with them in defence of the liberties of his country, and hoped, with their aſſiſtance, to redeem the Scottiſh name from all the indignities which it had ſo long ſuffered from the tyranny of their imperious maſters: That the ſacrifice of the rights of his family was the firſt injury which had prepared the way for their enſuing ſlavery; and by reſuming them, which was his firm purpoſe, he opened to them the joyful proſpect of recovering from the fraudulent uſurper their ancient and hereditary independence: That all paſt misfortunes had proceeded from their diſunion; and they would ſoon appear no leſs formidable than of old to their enemies, if they now deigned to follow into the field their rightful prince, who knew no medium between death and victory: That their mountains, and their valour, which had, during ſo many ages, protected their liberty from all the efforts of the Roman empire, would ſtill be ſufficient, were they worthy of their generous anceſtors, to defend them againſt the utmoſt violence of the Engliſh tyrant: That it was unbecoming men, born to the moſt ancient independence known in Europe, to ſubmit to the will of any maſters; but fatal to receive thoſe who, being irritated by ſuch perſevering reſiſtance, and inflamed with the higheſt animoſity, would never deem themſelves ſecure in their uſurped dominion, but by exterminating all the ancient nobility, and even all the ancient inhabitants: And that, being reduced to this deſperate extremity, it were better for them at once to periſh, like brave men, with ſwords in their hands, than to dread long, and at laſt undergo, the fate of the unfortunate Wallace, whoſe merits, in the brave and obſtinate defence of his country, were finally rewarded by the hands of an Engliſh executioner.

The ſpirit with which this diſcourſe was delivered, the bold ſentiments which it conveyed, the novelty of Bruce's declaration, aſſiſted by the graces of his youth

and manly deportment, made deep impreſſion on the minds of his audience, and rouſed all thoſe principles of indignation and revenge with which they had long been ſecretly actuated. The Scottiſh nobles declared their unanimous reſolution to uſe the utmoſt efforts in delivering their country from bondage, and to ſecond the courage of Bruce, in aſſerting his and their undoubted rights againſt their common oppreſſors. Cummin alone, who had ſecretly taken his meaſures with the king, oppoſed this general determination; and by repreſenting the great power of England, governed by a prince of ſuch uncommon vigour and abilities, he endeavoured to ſet before them the certain deſtruction which they muſt expect, if they again violated their oaths of fealty, and ſhook off their allegiance to the victorious Edward. Bruce, already appriſed of his treachery, and foreſeeing the certain failure of all his own ſchemes of ambition and glory from the oppoſition of ſo potent a leader, took immediately his reſolution; and moved partly by reſentment, partly by policy, followed Cummin on the diſſolution of the aſſembly, attacked him in the cloyſters of the Grey Friars, through which he paſſed, and running him through the body, left him for dead. Sir Thomas Kirkpatric, one of Bruce's friends, aſking him ſoon after if the traitor was ſlain; *I believe ſo*, replied Bruce. *And is that a matter*, cried Kirkpatric, *to be left to conjecture? I will ſecure him.* Upon which he drew his dagger, ran to Cummin, and ſtabbed him to the heart. This deed of Bruce and his aſſociates, which contains circumſtances juſtly condemned by our preſent manners, was regarded in that age as an effort of manly vigour and juſt policy. The family of Kirkpatric took for the creſt of their arms, which they ſtill wear, a hand with a bloody dagger; and choſe for their motto theſe words, *I will ſecure him*; the expreſſion employed by their anceſtor when he executed that violent action.

The murder of Cummin affixed the ſeal to the conſpiracy of the Scottiſh nobles: They had now no reſource left but to ſhake off the yoke of England, or to periſh in the attempt: The genius of the nation rouſed itſelf



EDWARD I. Chap. 13.
Murder of John Cummin, in the Cloy-ster of the Grey Friars, Dumfries.

Riley, del. Engraved for J. Parsons, 21, Paternoster Row. June 25 1793. White, sc.

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itſelf from its preſent dejection: And Bruce, flying to different quarters, excited his partiſans to arms, attacked with ſucceſs the diſperſed bodies of the Engliſh, got poſſeſſion of many of the caſtles, and having made his authority be acknowledged in moſt parts of the kingdom, was ſolemnly crowned and inaugurated in the abbey of Scone by the biſhop of St. Andrews, who had zealouſly embraced his cauſe. The Engliſh were again chaſed out of the kingdom, except ſuch as took ſhelter in the fortreſſes that ſtill remained in their hands; and Edward found that the Scots, twice conquered in his reign, and often defeated, muſt yet be anew ſubdued. Not diſcouraged with theſe unexpected difficulties, he ſent Aymer de Valence with a conſiderable force into Scotland, to check the progreſs of the malcontents; and that nobleman falling unexpectedly upon Bruce at Methven in Perthſhire, threw his army into ſuch diſorder as ended in a total defeat. Bruce fought with the moſt heroic courage, was thrice diſmounted in the action, and as often recovered himſelf; but was at laſt obliged to yield to ſuperior fortune, and take ſhelter, with a few followers, in the weſtern iſles. The earl of Athole, ſir Simon Fraſer, and ſir Chriſtopher Seton, who had been taken priſoners, were ordered by Edward to be executed as rebels and traitors. (1307.) Many other acts of rigour were exerciſed by him; and that prince, vowing revenge againſt the whole Scottiſh nation, whom he deemed incorrigible in their averſion to his government, aſſembled a great army, and was preparing to enter the frontiers, ſecure of ſucceſs, and determined to make the defenceleſs Scots the victims of his ſeverity; when he unexpectedly ſickened and died near Carliſle (7th July); enjoining with his laſt breath his ſon and ſucceſſor to proſecute the enterpriſe, and never to deſiſt till he had finally ſubdued the kingdom of Scotland. He expired in the ſixty-ninth year of his age, and the thirty-fifth of his reign, hated by his neighbours, but extremely reſpected and revered by his own ſubjects.

The

The enterprises finished by this prince, and the projects which he formed, and brought near to a conclusion, were more prudent, more regularly conducted, and more advantageous to the solid interests of his kingdom, than those which were undertaken in any reign, either of his ancestors or his successors. He restored authority to the government, disordered by the weakness of his father; he maintained the laws against all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took many wise and vigorous measures for reducing Scotland to a like condition; and though the equity of this latter enterprise may reasonably be questioned, the circumstances of the two kingdoms promised such certain success, and the advantage was so visible of uniting the whole island under one head, that those who give great indulgence to reasons of state in the measures of princes, will not be apt to regard this part of his conduct with much severity. But Edward, however exceptionable his character may appear on the head of justice, is the model of a politic and warlike king: He possessed industry, penetration, courage, vigilance, and enterprise: He was frugal in all expenses that were not necessary; he knew how to open the public treasures on a proper occasion; he punished criminals with severity; he was gracious and affable to his servants and courtiers; and being of a majestic figure, expert in all military exercises, and in the main well-proportioned in his limbs, notwithstanding the great length and the smallness of his legs, he was as well qualified to captivate the populace by his exterior appearance, as to gain the approbation of men of sense by his more solid virtues.

But the chief advantage which the people of England reaped, and still continue to reap, from the reign of this great prince, was the correction, extension, amendment, and establishment of the laws, which Edward maintained in great vigour, and left much improved to posterity: For the acts of a wise legislator commonly remain, while the acquisitions of a conqueror often

often periſh with him. This merit has juſtly gained to Edward the appellation of the Engliſh Juſtinian. Not only the numerous ſtatutes paſſed in his reign touch the chief points of juriſprudence, and, according to ſir Edward Coke, truly deſerve the name of eſtabliſhments, becauſe they were more conſtant, ſtanding, and durable laws than any made ſince; but the regular order maintained in his adminiſtration gave an opportunity to the common law to refine itſelf, and brought the judges to a certainty in their determinations, and the lawyers to a preciſion in their pleadings. Sir Matthew Hale has remarked the ſudden improvement of Engliſh law during this reign; and ventures to aſſert, that till his own time it had never received any conſiderable increaſe. Edward ſettled the juriſdiction of the ſeveral courts; firſt eſtabliſhed the office of juſtice of peace; abſtained from the practice, too common before him, of interrupting juſtice by mandates from the privy-council *; repreſſed robberies and diſorders; encouraged trade, by giving merchants an eaſy method of recovering their debts; and, in ſhort, introduced a new face of things by the vigour and wiſdom of his adminiſtration. As law began now to be well eſtabliſhed, the abuſe of that bleſſing began alſo to be remarked. Inſtead of their former aſſociations for robbery and violence, men entered into formal combinations to ſupport each other in law-ſuits; and it was found requiſite to check this iniquity by act of parliament.

There happened in this reign a conſiderable alteration in the execution of the laws: The king aboliſhed the

* Edward enacted a law to this purpoſe; but it is doubtful whether he ever obſerved it. We are ſure that ſcarcely any of his ſucceſſors did. The multitude of theſe letters of protection were the ground of a complaint by the commons in 3 Edward II. This practice is declared illegal by the ſtatute of Northampton, paſſed in the ſecond of Edward III. but it ſtill continued, like many other abuſes. There are inſtances of it ſo late as the reign of queen Elizabeth.

office of chief juſticiary, which he thought poſſeſſed too much power, and was dangerous to the crown: He completed the diviſion of the court of exchequer into four diſtinct courts, which managed each its ſeveral branch, without dependance on any one magiſtrate; and as the lawyers afterwards invented a method, by means of their fictions, of carrying buſineſs from one court to another, the ſeveral courts became rivals and checks to each other; a circumſtance which tended much to improve the practice of the law in England.

But though Edward appeared thus, throughout his whole reign, a friend to law and juſtice, it cannot be ſaid that he was an enemy to arbitrary power; and in a government more regular and legal than was that of England in his age, ſuch practices as thoſe which may be remarked in his adminiſtration, would have given ſufficient ground of complaint; and ſometimes were, even in his age, the object of general diſpleaſure. The violent plunder and baniſhment of the Jews; the putting of the whole clergy at once, and by an arbitrary edict, out of the protection of law; the ſeizing of all the wool and leather of the kingdom; the heightening of the impoſitions on the former valuable commodity; the new and illegal commiſſion of Trailbaſton; the taking of all the money and plate of monaſteries and churches, even before he had any quarrel with the clergy; the ſubjecting of every man poſſeſſed of twenty pounds a year to military ſervice, though not bound to it by his tenure; his viſible reluctance to confirm the Great Charter, as if that conceſſion had no validity from the deeds of his predeceſſors; the captious clauſe which he at laſt annexed to his confirmation; his procuring of the pope's diſpenſation from the oaths which he had taken to obſerve that charter; and his levying of talliages at diſcretion even after the ſtatute, or rather charter, by which he had renounced that prerogative; theſe are ſo many demonſtrations of his arbitrary diſpoſition, and prove with what exception and reſerve we ought to celebrate his love of juſtice. He took care that his ſubjects

jects ſhould do juſtice to each other; but he deſired always to have his own hands free in all his tranſactions, both with them and with his neighbours.

The chief obſtacle to the execution of juſtice in thoſe times was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping theſe tyrants in awe, and reſtraining their illegal practices. This ſalutary purpoſe was accordingly the great object of his attention; yet was he imprudently led into a meaſure which tended to increaſe and confirm their dangerous authority. He paſſed a ſtatute which, by allowing them to entail their eſtates, made it impracticable to diminiſh the property of the great families, and left them every means of increaſe and acquiſition.

Edward obſerved a contrary policy with regard to the church: He ſeems to have been the firſt Chriſtian prince that paſſed a ſtatute of mortmain; and prevented by law the clergy from making new acquiſitions of lands, which by the eccleſiaſtical canons they were for ever prohibited from alienating. The oppoſition between his maxims with regard to the nobility and to the eccleſiaſtics, leads us to conjecture that it was only by chance he paſſed the beneficial ſtatute of mortmain, and that his ſole object was to maintain the number of knights fees, and to prevent the ſuperiors from being defrauded of the profits of wardſhip, marriage, livery, and other emoluments ariſing from the feudal tenures. This is indeed the reaſon aſſigned in the ſtatute itſelf, and appears to have been his real object in enacting it. The author of the Annals of Waverly aſcribes this act chiefly to the king's anxiety for maintaining the military force of the kingdom; but adds, that he was miſtaken in his purpoſe; for that the Amalekites were overcome more by the prayers of Moſes than by the ſword of the Iſraelites. The ſtatute of mortmain was often evaded afterwards by the invention of *uſes*.

Edward was active in reſtraining the uſurpations of the church; and, excepting his ardour for cruſades, which adhered to him during his whole life, ſeems in other

other reſpects to have been little infected with ſuperſtition, the vice chiefly of weak minds. But the paſſion for cruſades was really in that age the paſſion for glory. As the pope now felt himſelf ſomewhat more reſtrained in his former practice of pillaging the ſeveral churches in Europe, by laying impoſitions upon them, he permitted the generals of particular orders, who reſided at Rome, to levy taxes on the convents ſubjected to their juriſdiction; and Edward was obliged to enact a law againſt this new abuſe. It was alſo become a practice of the court of Rome to provide ſucceſſors to benefices before they became vacant: Edward found it likewiſe neceſſary to prevent by law this ſpecies of injuſtice.

The tribute of 1000 marks a year, to which king John, in doing homage to the pope, had ſubjected the kingdom, had been pretty regularly paid ſince his time, though the vaſſalage was conſtantly denied; and, indeed, for fear of giving offence, had been but little inſiſted on. The payment was called by a new name of *cenſus*, not by that of tribute. King Edward ſeems to have always paid this money with great reluctance, and he ſuffered the arrears at one time to run on for ſix years, at another for eleven: But as princes in that age ſtood continually in need of the pope's good offices, for diſpenſations of marriage and for other conceſſions, the court of Rome always found means, ſooner or later, to catch the money. The levying of firſt-fruits was alſo a new device begun in this reign, by which his holineſs thruſt his fingers very frequently into the purſes of the faithful; and the king ſeems to have unwarily given way to it.

In the former reign the taxes had been partly ſcutages, partly ſuch a proportional part of the moveables as was granted by parliament: In this, ſcutages were entirely dropped; and the aſſeſſment on moveables was the chief method of taxation. Edward in his fourth year had a fifteenth granted him; in his fifth year a twelfth; in his eleventh year a thirteenth from the laity, a twentieth from the clergy; in his eighteenth year a fifteenth; in his twenty-ſecond year a tenth from the laity, a ſixth from

from London and other corporate towns, half of their benefices from the clergy; in his twenty-third year an eleventh from the barons and others, a tenth from the clergy, a ſeventh from the burgeſſes; in his twenty-fourth year a twelfth from the barons and others, an eighth from the burgeſſes, from the clergy nothing, becauſe of the pope's inhibition; in his twenty-fifth year an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from thoſe of York; in his twenty-ninth year a fifteenth from the laity, on account of his confirming the perambulations of the foreſts; the clergy granted nothing; in his thirty-third year, firſt a thirtieth from the barons and others, and a twentieth from the burgeſſes, then a fifteenth from all his ſubjects; in his thirty-fourth year a thirtieth from all his ſubjects for knighting his eldeſt ſon.

Theſe taxes were moderate; but the king had alſo duties upon exportation and importation granted him from time to time: The heavieſt were commonly upon wool. Poundage, or a ſhilling a pound, was not regularly granted the kings for life till the reign of Henry V.

In 1296 the famous mercantile ſociety, called the *Merchant Adventurers*, had its firſt origin: It was inſtituted for the improvement of the woollen manufacture, and the vending of the cloth abroad, particularly at Antwerp. For the Engliſh at this time ſcarcely thought of any more diſtant commerce.

This king granted a charter or declaration of protection and privileges to foreign merchants, and alſo aſcertained the cuſtoms or duties which thoſe merchants were in return to pay on merchandiſe imported and exported. He promiſed them ſecurity; allowed them a jury on trials, conſiſting half of natives, half of foreigners; and appointed them a juſticiary in London for their protection. But notwithſtanding this ſeeming attention to foreign merchants, Edward did not free them from the cruel hardſhip of making one anſwerable for the debts, and even for the crimes, of another that came from the ſame country. We read of ſuch practices among the preſent barbarous nations. The king alſo impoſed on them

them a duty of two ſhillings on each tun of wine imported, over and above the old duty; and forty pence on each ſack of wool exported, beſides half a mark, the former duty *.

In the year 1303 the Exchequer was robbed, and of no leſs a ſum than 100,000 pounds, as is pretended. The abbot and monks of Weſtminſter were indicted for this robbery, but acquitted. It does not appear that the king ever diſcovered the criminals with certainty; though his indignation fell on the ſociety of Lombard merchants, particularly the Freſcobaldi, very opulent Florentines.

The pope having in 1307 collected much money in England, the king enjoined the nuncio not to export it in ſpecie, but in bills of exchange: A proof that commerce was but ill underſtood at that time.

Edward had by his firſt wife, Eleanor of Caſtile, four ſons; but Edward, his heir and ſucceſſor, was the only one that ſurvived him. She alſo bore him eleven daughters, moſt of whom died in their infancy: Of the ſurviving, Joan was married firſt to the earl of Gloceſter, and after his death to Ralph de Monthermer: Margaret eſpouſed John duke of Brabant: Elizabeth eſpouſed firſt John earl of Holland, and afterwards the earl of Hereford: Mary was a nun at Ambreſbury. He had by his ſecond wife Margaret of France, two ſons and a daughter; Thomas created earl of Norfolk, and mareſchal of England; and Edmond, who was created earl of Kent by his brother when king. The princeſs died in her infancy.

* Rymer, vol. iv. p. 361.—It is the charter of Edw. I. which is there confirmed by Edw. III.

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EDWARD II.

CHAP. XIV.

EDWARD II.

Weakneſs of the king—His paſſion for favourites—Piers Gavaſton—Diſcontent of the barons—Murder of Gavaſton—War with Scotland—Battle of Bannockburn—Hugh le Deſpenſer—Civil commotions—Execution of the earl of Lancaſter—Conſpiracy againſt the king—Inſurrection—The king dethroned—Murdered—His character—Miſcellaneous tranſactions in this reign.

THE prepoſſeſſions entertained in favour of young Edward, kept the Engliſh from being fully ſenſible of the extreme loſs which they had ſuſtained by the death of the great monarch who filled the throne; and all men haſtened with alacrity to take the oath of allegiance to his ſon and ſucceſſor. This prince was in the twenty-third year of his age, was of an agreeable figure, of a mild and gentle diſpoſition, and having never diſcovered a propenſity to any dangerous vice, it was natural to prognoſticate tranquillity and happineſs from his government. But the firſt act of his reign blaſted all theſe hopes, and ſhewed him to be totally unqualified for that perilous ſituation, in which every Engliſh monarch, during thoſe ages, had, from the unſtable form of the conſtitution, and the turbulent diſpoſitions of the people derived from it, the misfortune to be placed. The indefatigable Robert Bruce, though his army had beeen diſperſed, and he himſelf had been obliged to take ſhelter in the weſtern iſles, remained not long unactive; but before the death of the late king, had ſallied from his retreat, had again collected his followers, had appeared in the field, and had obtained by ſurpriſe an important advantage over Aymer de Valence, who commanded the Engliſh forces. He was now become ſo conſiderable as to have afforded the king of England ſufficient glory in ſubduing him, without

incurring any danger of ſeeing all thoſe mighty preparations made by his father fail in the enterpriſe. But Edward, inſtead of purſuing his advantages, marched but a little way into Scotland; and having an utter incapacity and equal averſion for all application or ſerious buſineſs, he immediately returned upon his footſteps, and diſbanded his army. His grandees perceived from this conduct, that the authority of the crown, fallen into ſuch feeble hands, was no longer to be dreaded, and that every inſolence might be practiſed by them with impunity.

The next meaſure taken by Edward gave them an inclination to attack thoſe prerogatives which no longer kept them in awe. There was one Piers Gavaſton, ſon of a Gaſcon knight of ſome diſtinction, who had honourably ſerved the late king, and who, in reward of his merits, had obtained an eſtabliſhment for his ſon in the family of the prince of Wales. This young man ſoon inſinuated himſelf into the affections of his maſter, by his agreeable behaviour, and by ſupplying him with all thoſe innocent though frivolous amuſements which ſuited his capacity and his inclinations. He was endowed with the utmoſt elegance of ſhape and perſon, was noted for a fine mien and eaſy carriage, diſtinguiſhed himſelf in all warlike and genteel exerciſes, and was celebrated for thoſe quick ſallies of wit in which his countrymen uſually excel. By all theſe accompliſhments he gained ſo entire an aſcendant over young Edward, whoſe heart was ſtrongly diſpoſed to friendſhip and confidence, that the late king, apprehenſive of the conſequences, had baniſhed him the kingdom, and had, before he died, made his ſon promiſe never to recal him. But no ſooner did he find himſelf maſter, as he vainly imagined, than he ſent for Gavaſton; and even before his arrival at court, endowed him with the whole earldom of Cornwal, which had eſcheated to the crown by the death of Edmond, ſon of Richard king of the Romans. Not content with conferring on him thoſe poſſeſſions, which had ſufficed as an appanage for a prince of the blood, he daily loaded him with new honours and riches; married

him

him to his own niece, ſiſter of the earl of Gloceſter; and ſeemed to enjoy no pleaſure in his royal dignity, but as it enabled him to exalt to the higheſt ſplendour this object of his fond affections.

The haughty barons, offended at the ſuperiority of a minion, whoſe birth, though reputable, they deſpiſed as much inferior to their own, concealed not their diſcontent; and ſoon found reaſons to juſtify their animoſity in the character and conduct of the man they hated. Inſtead of diſarming envy by the moderation and modeſty of his behaviour, Gavaſton diſplayed his power and influence with the utmoſt oſtentation; and deemed no circumſtance of his good fortune ſo agreeable as its enabling him to eclipſe and mortify all his rivals. He was vain-glorious, profuſe, rapacious; fond of exterior pomp and appearance, giddy with proſperity; and as he imagined that his fortune was now as ſtrongly rooted in the kingdom, as his aſcendant was uncontrolled over the weak monarch, he was negligent in engaging partiſans, who might ſupport his ſudden and ill-eſtabliſhed grandeur. At all tournaments he took delight in foiling the Engliſh nobility by his ſuperior addreſs: In every converſation he made them the object of his wit and raillery: Every day his enemies multiplied upon him; and nought was wanting but a little time to cement their union, and render it fatal both to him and to his maſter.

It behoved the king to take a journey to France, both in order to do homage for the dutchy of Guienne, and to eſpouſe the princeſs Iſabella, to whom he had long been affianced, though unexpected accidents had hitherto retarded the completion of the marriage. Edward left Gavaſton guardian of the realm, with more ample powers than had uſually been conferred; and, on his return with his young queen, renewed all the proofs of that fond attachment to the favourite, of which every one ſo loudly complained. This princeſs was of an imperious and intriguing ſpirit; and finding that her huſband's capacity required, as his temper inclined, him to be governed, ſhe thought herſelf beſt entitled, on every account, to per-

form the office; and ſhe contracted a mortal hatred againſt the perſon who had diſappointed her in theſe expectations. She was well pleaſed, therefore, to ſee a combination of the nobility forming againſt Gavaſton, who, ſenſible of her hatred, had wantonly provoked her by new inſults and injuries.

(1308.) Thomas earl of Lancaſter, couſin-german to the king, and firſt prince of the blood, was by far the moſt opulent and powerful ſubject in England, and poſſeſſed in his own right, and ſoon after in that of his wife, heireſs of the family of Lincoln, no leſs than ſix earldoms, with a proportionable eſtate in land, attended with all the juriſdictions and power which commonly in that age were annexed to landed property. He was turbulent and factious in his diſpoſition; mortally hated the favourite, whoſe influence over the king exceeded his own; and he ſoon became the head of that party among the barons, who deſired the depreſſion of this inſolent ſtranger. The confederated nobles bound themſelves by oath to expel Gavaſton: Both ſides began already to put themſelves in a warlike poſture: The licentiouſneſs of the age broke out in robberies and other diſorders, the uſual prelude of civil war: And the royal authority, deſpiſed in the king's own hands, and hated in thoſe of Gavaſton, became inſufficient for the execution of the laws, and the maintenance of peace in the kingdom. A parliament being ſummoned at Weſtminſter, Lancaſter and his party came thither with an armed retinue; and were there enabled to impoſe their own terms on the ſovereign. They required the baniſhment of Gavaſton, impoſed an oath on him never to return, and engaged the biſhops, who never failed to interpoſe in all civil concerns, to pronounce him excommunicated, if he remained any longer in the kingdom. Edward was obliged to ſubmit; but even in his compliance gave proofs of his fond attachment to his favourite. Inſtead of removing all umbrage by ſending him to his own country, as was expected, he appointed him lord lieutenant of Ireland, attended him to Briſtol on his journey thither, and before his departure conferred

red on him new lands and riches both in Gaſcony and England. Gavaſton, who did not want bravery, and poſſeſſed talents for war, acted during his government with vigour againſt ſome Iriſh rebels, whom he ſubdued.

Meanwhile the king, leſs ſhocked with the illegal violence which had been impoſed upon him, than unhappy in the abſence of his minion, employed every expedient to ſoften the oppoſition of the barons to his return; as if ſucceſs in that point were the chief object of his government. The high office of hereditary ſteward was conferred on Lancaſter: His father-in-law, the earl of Lincoln, was bought off by other conceſſions: Earl Warenne was alſo mollified by civilities, grants, or promiſes: The inſolence of Gavaſton, being no longer before men's eyes, was leſs the object of general indignation: And Edward, deeming matters ſufficiently prepared for his purpoſe, applied to the court of Rome, and obtained for Gavaſton a diſpenſation from that oath which the barons had compelled him to take, that he would for ever abjure the realm. He went down to Cheſter to receive him on his firſt landing from Ireland; flew into his arms with tranſports of joy; and having obtained the formal conſent of the barons in parliament to his re-eſtabliſhment, ſet no longer any bounds to his extravagant fondneſs and affection. Gavaſton himſelf, forgetting his paſt misfortunes, and blind to their cauſes, reſumed the ſame oſtentation and inſolence; and became more than ever the object of general deteſtation among the nobility.

The barons firſt diſcovered their animoſity by abſenting themſelves from parliament; and finding that this expedient had not been ſucceſsful, they began to think of employing ſharper and more effectual remedies. Though there had ſcarcely been any national ground of complaint, except ſome diſſipation of the public treaſure: Though all the acts of mal-adminiſtration, objected to the king and his favourite, ſeemed of a nature more proper to excite heart-burnings in a ball or aſſembly, than commotions in a great kingdom: Yet ſuch was

the ſituation of the times, that the barons were determined, and were able, to make them the reaſons of a total alteration in the conſtitution and civil government. Having come to parliament (7th Feb.), in defiance of the laws and the king's prohibition, with a numerous retinue of armed followers, they found themſelves entirely maſters; and they preſented a petition, which was equivalent to a command, requiring Edward to devolve on a choſen junto the whole authority, both of the crown and of the parliament. The king was obliged to ſign a commiſſion (March 16), empowering the prelates and barons to elect twelve perſons, who ſhould, till the term of Michaelmas in the year following, have authority to enact ordinances for the government of the kingdom, and regulation of the king's houſehold; conſenting that theſe ordinances ſhould thenceforth and for ever have the force of laws; allowing the ordainers to form aſſociations among themſelves and their friends, for their ſtrict and regular obſervance; and all this for the greater glory of God, the ſecurity of the church, and the honour and advantage of the king and kingdom. The barons in return ſigned a declaration; in which they acknowledged that they owed theſe conceſſions merely to the king's free grace; promiſed that this commiſſion ſhould never be drawn into precedent; and engaged that the power of the ordainers ſhould expire at the time appointed.

(1311.) The choſen junto accordingly framed their ordinances, and preſented them to the king and parliament for their confirmation in the enſuing year. Some of theſe ordinances were laudable, and tended to the regular execution of juſtice: Such as thoſe, requiring ſheriffs to be men of property, aboliſhing the practice of iſſuing privy ſeals for the ſuſpenſion of juſtice, reſtraining the practice of purveyance, prohibiting the adulteration and alteration of the coin, excluding foreigners from the farms of the revenue, ordering all payments to be regularly made into the exchequer, revoking all late grants of the crown, and giving the parties damages in the caſe of vexatious proſecutions.

But

But what chiefly grieved the king, was the ordinance for the removal of evil counſellors, by which a great number of perſons were by name excluded from every office of power and profit; and Piers Gavaſton himſelf was for ever baniſhed the king's dominions, under the penalty, in caſe of diſobedience, of being declared a public enemy. Other perſons, more agreeable to the barons, were ſubſtituted in all the offices. And it was ordained, that for the future all the conſiderable dignities in the houſehold, as well as in the law, revenue, and military governments, ſhould be appointed by the *baronage* in parliament; and the power of making war, or aſſembling his military tenants, ſhould no longer be inveſted ſolely in the king, nor be exerciſed without the conſent of the nobility.

Edward, from the ſame weakneſs both in his temper and ſituation, which had engaged him to grant this unlimited commiſſion to the barons, was led to give a parliamentary ſanction to their ordinances: But as a conſequence of the ſame character, he *ſecretly* made a proteſt againſt them, and declared, that ſince the commiſſion was granted only for the making of ordinances to the advantage of king and kingdom, ſuch articles as ſhould be found prejudicial to both, were to be held as not ratified and confirmed. It is no wonder, indeed, that he retained a firm purpoſe to revoke ordinances which had been impoſed on him by violence, which entirely annihilated the royal authority, and, above all, which deprived him of the company and ſociety of a perſon whom, by an unuſual infatuation, he valued above all the world, and above every conſideration of intereſt or tranquillity.

As ſoon, therefore, as Edward, removing to York, had freed himſelf from the immediate terror of the barons power, he invited back Gavaſton from Flanders, which that favourite had made the place of his retreat; and declaring his baniſhment to be illegal, and contrary to the laws and cuſtoms of the kingdom, openly reinſtated him in his former credit and authority. (1312.) The barons, highly provoked at this diſappointment, and

and apprehenſive of danger to themſelves, from the declared animoſity of ſo powerful a minion, ſaw that either his or their ruin was now inevitable; and they renewed, with redoubled zeal, their former confederacy againſt him. The earl of Lancaſter was a dangerous head of this alliance: Guy earl of Warwic entered into it with a furious and precipitate paſſion: Humphry Bohun earl of Hereford, the conſtable, and Aymer de Valence earl of Pembroke, brought to it a great acceſſion of power and intereſt: Even earl Warenne deſerted the royal cauſe, which he had hitherto ſupported, and was induced to embrace the ſide of the confederates. And as Robert de Winchelſey, archbiſhop of Canterbury, profeſſed himſelf of the ſame party, he determined the body of the clergy, and conſequently the people, to declare againſt the king and his minion. So predominant at that time was the power of the great nobility, that the combination of a few of them was always able to ſhake the throne; and ſuch an univerſal concurrence became irreſiſtible. The earl of Lancaſter ſuddenly raiſed an army, and marched to York, where he found the king already removed to Newcaſtle. He flew thither in purſuit of him; and Edward had juſt time to eſcape to Tinmouth, where he embarked, and ſailed with Gavaſton to Scarborough. He left his favourite in that fortreſs, which, had it been properly ſupplied with proviſions, was deemed impregnable; and he marched forward to York, in hopes of raiſing an army, which might be able to ſupport him againſt his enemies. Pembroke was ſent by the confederates to beſiege the caſtle of Scarborough; and Gavaſton, ſenſible of the bad condition of his garriſon, was obliged to capitulate, and to ſurrender himſelf priſoner. He ſtipulated (19th May) that he ſhould remain in Pembroke's hands for two months; that endeavours ſhould, during that time, be mutually uſed for a general accommodation; that if the terms propoſed by the barons were not accepted, the caſtle ſhould be reſtored to him in the ſame condition as when he ſurrendered it; and that the earl of Pembroke and

Henry

Henry Piercy ſhould, by contract, pledge all their lands for the fulfilling of theſe conditions. Pembroke, now maſter of the perſon of this public enemy, conducted him to the caſtle of Dedington, near Banbury; where, on pretence of other buſineſs, he left him, protected by a feeble guard. Warwic, probably in concert with Pembroke, attacked the caſtle: The garriſon refuſed to make any reſiſtance: Gavaſton was yielded up to him, and conducted to Warwic caſtle: The earls of Lancaſter, Hereford, and Arundel, immediately repaired thither: And without any regard either to the laws or the military capitulation, they ordered the head of the obnoxious favourite to be ſtruck off by the hands of the executioner (1ſt July).

The king had retired northward to Berwic when he heard of Gavaſton's murder; and his reſentment was proportioned to the affection which he had ever borne him while living. He threatened vengeance on all the nobility who had been active in that bloody ſcene, and he made preparations for war in all parts of England. But being leſs conſtant in his enmities than in his friendſhips, he ſoon after hearkened to terms of accommodation; granted the barons a pardon of all offences; and as they ſtipulated to aſk him publicly pardon on their knees, he was ſo pleaſed with theſe vain appearances of ſubmiſſion, that he ſeemed to have ſincerely forgiven them all paſt injuries. But as they ſtill pretended, notwithſtanding their lawleſs conduct, a great anxiety for the maintenance of law, and required the eſtabliſhment of their former ordinances as a neceſſary ſecurity for that purpoſe, Edward told them, that he was willing to grant them a free and legal confirmation of ſuch of theſe ordinances as were not entirely derogatory to the prerogative of the crown. This anſwer was received, for the preſent, as ſatisfactory. The king's perſon, after the death of Gavaſton, was now become leſs obnoxious to the public; and as the ordinances inſiſted on appeared to be nearly the ſame with thoſe which had formerly been extorted from Henry III. by Mountfort, and which had been attended with ſo many

many fatal conſequences, they were, on that account, demanded with leſs vehemence by the nobility and people. The minds of all men ſeemed to be much appeaſed: The animoſities of faction no longer prevailed: And England, now united under its head, would henceforth be able, it was hoped, to take vengeance on all its enemies; particularly on the Scots, whoſe progreſs was the object of general reſentment and indignation.

Immediately after Edward's retreat from Scotland, Robert Bruce left his faſtneſſes, in which he intended to have ſheltered his feeble army; and ſupplying his defect of ſtrength by ſuperior vigour and abilities, he made deep impreſſion on all his enemies, foreign and domeſtic. He chaſed lord Argyle, and the chieftain of the Macdowals, from their hills, and made himſelf entirely maſter of the high country: He thence invaded, with ſucceſs, the Cummins in the low countries of the north: He took the caſtles of Inverneſs, Forfar, and Brechin. He daily gained ſome new acceſſion of territory; and, what was a more important acquiſition, he daily reconciled the minds of the nobility to his dominion, and inliſted under his ſtandard every bold leader, whom he enriched by the ſpoils of his enemies. Sir James Douglas, in whom commenced the greatneſs and renown of that warlike family, ſeconded him in all his enterpriſes: Edward Bruce, Robert's own brother, diſtinguiſhed himſelf by acts of valour: And the terror of the Engliſh power being now abated by the feeble conduct of the king, even the leaſt ſanguine of the Scots began to entertain hopes of recovering their independence; and the whole kingdom, except a few fortreſſes, which he had not the means to attack, had acknowledged the authority of Robert.

In this ſituation, Edward had found it neceſſary to grant a truce to Scotland; and Robert ſucceſsfully employed the interval in conſolidating his power, and introducing order into the civil government, disjointed by a long continuance of wars and factions. The interval was very ſhort: The truce, ill obſerved on both

both ſides, was at laſt openly violated; and war recommenced with greater fury than ever. Robert, not content with defending himſelf, had made ſucceſsful inroads into England, ſubſiſted his needy followers by the plunder of that country, and taught them to deſpiſe the military genius of a people who had long been the object of their terror. Edward, at laſt, rouſed from his lethargy, had marched an army into Scotland; and Robert, determined not to riſque too much againſt an enemy ſo much ſuperior, retired again into the mountains. The king advanced beyond Edinburgh; but being deſtitute of proviſions, and being ill ſupported by the Engliſh nobility, who were then employed in framing their ordinances, he was ſoon obliged to retreat, without gaining any advantage over the enemy. But the appearing union of all the parties in England, after the death of Gavaſton, ſeemed to reſtore that kingdom to its native force, opened again the proſpect of reducing Scotland, and promiſed a happy concluſion to a war in which both the intereſts and paſſions of the nation were ſo deeply engaged.

(1314.) Edward aſſembled forces from all quarters, with a view of finiſhing, at one blow, this important enterpriſe. He ſummoned the moſt warlike of his vaſſals from Gaſcony: He inliſted troops from Flanders, and other foreign countries: He invited over great numbers of the diſorderly Iriſh as to a certain prey: He joined to them a body of the Welſh, who were actuated by like motives: And aſſembling the whole military force of England, he marched to the frontiers with an army which, according to the Scotch writers, amounted to a hundred thouſand men.

The army collected by Robert exceeded not thirty thouſand combatants; but being compoſed of men who had diſtinguiſhed themſelves by many acts of valour, who were rendered deſperate by their ſituation, and who were inured to all the varieties of fortune, they might juſtly, under ſuch a leader, be deemed formidable to the moſt numerous and beſt appointed armies. The caſtle of Stirling, which, with Berwic, was the only fortreſs in

in Scotland that remained in the hands of the Engliſh, had long been beſieged by Edward Bruce: Philip de Mowbray, the governor, after an obſtinate defence, was at laſt obliged to capitulate, and to promiſe, that if, before a certain day which was now approaching, he were not relieved, he ſhould open his gates to the enemy. Robert, therefore, ſenſible that here was the ground on which he muſt expect the Engliſh, choſe the field of battle with all the ſkill and prudence imaginable, and made the neceſſary preparations for their reception. He poſted himſelf at Bannockburn, about two miles from Stirling; where he had a hill on his right flank, and a moraſs on his left: And not content with having taken theſe precautions to prevent his being ſurrounded by the more numerous army of the Engliſh, he foreſaw the ſuperior ſtrength of the enemy in cavalry, and made proviſion againſt it. Having a rivulet in front, he commanded deep pits to be dug along its banks, and ſharp ſtakes to be planted in them; and he ordered the whole to be carefully covered over with turf. The Engliſh arrived in ſight on the evening, and a bloody conflict immediately enſued between two bodies of cavalry; where Robert, who was at the head of the Scots, engaged in ſingle combat when Henry de Bohun, a gentleman of the family of Hereford, and at one ſtroke cleft his adverſary to the chin with a battle-ax in ſight of the two armies. The Engliſh horſe fled with precipitation to their main body.

The Scots, encouraged by this favourable event, and glorying in the valour of their prince, prognoſticated a happy iſſue to the combat on the enſuing day: The Engliſh, confident in their numbers, and elated with former ſucceſſes, longed for an opportunity of revenge: And the night, though extremely ſhort in that ſeaſon and in that climate, appeared tedious to the impatience of the ſeveral combatants. Early in the morning (25th June) Edward drew out his army, and advanced towards the Scots. The earl of Gloceſter, his nephew, who commanded the left wing of the cavalry, impelled by the ardour of youth, ruſhed on to the attack without precaution,

tion, and fell among the covered pits, which had been prepared by Bruce for the reception of the enemy. This body of horſe was diſordered: Gloceſter himſelf was overthrown and ſlain: Sir James Douglas, who commanded the Scottiſh cavalry, gave the enemy no leiſure to rally, but puſhed them off the field with conſiderable loſs, and purſued them in ſight of their whole line of infantry. While the Engliſh army were alarmed with this unfortunate beginning of the action, which commonly proves deciſive, they obſerved an army on the heights towards the left, which ſeemed to be marching leiſurely in order to ſurround them; and they were diſtracted by their multiplied fears. This was a number of waggoners and ſumpter-boys, whom Robert had collected; and having ſupplied them with military ſtandards, gave them the appearance, at a diſtance, of a formidable body. The ſtratagem took effect: A panic ſeized the Engliſh: They threw down their arms, and fled: They were purſued with great ſlaughter, for the ſpace of ninety miles, till they reached Berwic: And the Scots, beſides an ineſtimable booty, took many perſons of quality priſoners, and above 400 gentlemen, whom Robert treated with great humanity, and whoſe ranſom was a new acceſſion of wealth to the victorious army. The king himſelf narrowly eſcaped, by taking ſhelter in Dunbar, whoſe gates were opened to him by the earl of March; and he thence paſſed by ſea to Berwic.

Such was the great and deciſive battle of Bannockburn, which ſecured the independence of Scotland, fixed Bruce on the throne of that kingdom, and may be deemed the greateſt overthrow that the Engliſh nation, ſince the Conqueſt, has ever received. The number of ſlain on thoſe occaſions is always uncertain, and is commonly much magnified by the victors: But this defeat made a deep impreſſion on the minds of the Engliſh; and it was remarked, that, for ſome years, no ſuperiority of numbers could encourage them to keep the field againſt the Scots. Robert, in order to avail himſelf of his preſent ſucceſs, entered England,

and ravaged all the northern counties without oppoſition: He beſieged Carliſle; but that place was ſaved by the valour of ſir Andrew Harcla, the governor: He was more ſucceſsful againſt Berwic, which he took by aſſault: And this prince, elated by his continued proſperity, now entertained hopes of making the moſt important conqueſts on the Engliſh. (1315.) He ſent over his brother Edward, with an army of 6000 men, into Ireland; and that nobleman aſſumed the title of king of that iſland: He himſelf followed ſoon after with more numerous forces: The horrible and abſurd oppreſſions which the Iriſh ſuffered under the Engliſh government made them, at firſt, fly to the ſtandard of the Scots, whom they regarded as their deliverers: But a grievous famine, which at that time deſolated both Ireland and Britain, reduced the Scottiſh army to the greateſt extremities; and Robert was obliged to return, with his forces much diminiſhed, into his own country. His brother, after having experienced a variety of fortune, was defeated and ſlain near Dundalk by the Engliſh, commanded by lord Bermingham: And theſe projects, too extenſive for the force of the Scottiſh nation, thus vaniſhed into ſmoke.

Edward, beſides ſuffering thoſe diſaſters from the invaſion of the Scots, and the inſurrection of the Iriſh, was alſo infeſted with a rebellion in Wales; and, above all, by the factions of his own nobility, who took advantage of the public calamities, inſulted his fallen fortunes, and endeavoured to eſtabliſh their own independence on the ruins of the throne. Lancaſter, and the barons of his party, who had declined attending him on his Scottiſh expedition, no ſooner ſaw him return with diſgrace, than they inſiſted on the renewal of their ordinances, which, they ſtill pretended, had validity; and the king's unhappy ſituation obliged him to ſubmit to their demands. The miniſtry was new-modelled by the direction of Lancaſter: That prince was placed at the head of the council: It was declared, that all the offices ſhould be filled, from time to time, by the votes of parliament, or rather by the will

of

of the great barons: And the nation, under this new model of government, endeavoured to put itſelf in a better poſture of defence againſt the Scots. But the factious nobles were far from being terrified with the progreſs of theſe public enemies: On the contrary, they founded the hopes of their own future grandeur on the weakneſs and diſtreſſes of the crown: Lancaſter himſelf was ſuſpected, with great appearance of reaſon, of holding a ſecret correſpondence with the king of Scots: And though he was entruſted with the command of the Engliſh armies, he took care that every enterpriſe ſhould be diſappointed, and every plan of operations prove unſucceſsful.

All the European kingdoms, eſpecially that of England, were at this time unacquainted with the office of a prime miniſter, ſo well underſtood at preſent in all regular monarchies; and the people could form no conception of a man, who, though ſtill in the rank of a ſubject, poſſeſſed all the power of a ſovereign, eaſed the prince of the burden of affairs, ſupplied his want of experience or capacity, and maintained all the rights of the crown, without degrading the greateſt nobles by their ſubmiſſion to his temporary authority. Edward was plainly, by nature, unfit to hold himſelf the reins of government: He had no vices, but was unhappy in a total incapacity for ſerious buſineſs: He was ſenſible of his own defects, and neceſſarily ſought to be governed: Yet every favourite whom he ſucceſſively choſe was regarded as a fellow-ſubject exalted above his rank and ſtation: He was the object of envy to the great nobility: His character and conduct were decried with the people: His authority over the king and kingdom was conſidered as an uſurpation: And unleſs the prince had embraced the dangerous expedient of devolving his power on the earl of Lancaſter, or ſome mighty baron, whoſe family intereſt was ſo extenſive as to be able alone to maintain his influence, he could expect no peace or tranquillity upon the throne.

The king's chief favourite, after the death of Gavaſton, was Hugh le Deſpenſer, or Spenſer, a young man of Engliſh birth, of high rank, and of a noble family. He poſſeſſed all the exterior accompliſhments of perſon and addreſs, which were fitted to engage the weak mind of Edward; but was deſtitute of that moderation and prudence which might have qualified him to mitigate the envy of the great, and conduct him through all the perils of that dangerous ſtation to which he was advanced. His father, who was of the ſame name, and who, by means of his ſon, had alſo attained great influence over the king, was a nobleman venerable from his years, reſpected through all his paſt life for wiſdom, valour, and integrity, and well fitted by his talents and experience, could affairs have admitted of any temperament, to have ſupplied the defects both of the king and of his minion. But no ſooner was Edward's attachment declared for young Spenſer, than the turbulent Lancaſter, and moſt of the great barons, regarded him as their rival, made him the object of their animoſity, and formed violent plans for his ruin. They firſt declared their diſcontent by withdrawing from parliament; and it was not long ere they found a pretence for proceeding to greater extremities againſt him.

(1321.) The king, who ſet no limits to his bounty towards his minions, had married the younger Spenſer to his niece, one of the co-heirs of the earl of Gloceſter, ſlain at Bannockburn. The favourite, by his ſucceſſion to that opulent family, had inherited great poſſeſſions in the marches of Wales; and being deſirous of extending ſtill farther his influence in thoſe quarters, he is accuſed of having committed injuſtice on the barons of Audley and Ammori, who had alſo married two ſiſters of the ſame family. There was likewiſe a baron in that neighbourhood, called William de Braouſe, lord of Gower, who had made a ſettlement of his eſtate on John de Mowbray, his ſon-in-law; and, in caſe of failure of that nobleman and his iſſue, had ſubſtituted the earl of Hereford in the ſucceſſion

ceſſion to the barony of Gower. Mowbray, on the deceaſe of his father-in-law, entered immediately in poſſeſſion of the eſtate, without the formality of taking livery and ſeizin from the crown: But Spenſer, who coveted that barony, perſuaded the king to put in execution the rigour of the feudal law, to ſeize Gower as eſcheated to the crown, and to confer it upon him. This tranſaction, which was the proper ſubject of a law-ſuit, immediately excited a civil war in the kingdom. The earls of Lancaſter and Hereford flew to arms: Audley and Ammori joined them with all their forces: The two Rogers de Mortimer and Roger de Clifford, with many others, diſguſted, for private reaſons, at the Spenſers, brought a conſiderable acceſſion to the party: And their army being now formidable, they ſent a meſſage to the king, requiring him immediately to diſmiſs or confine the younger Spenſer; and menacing him, in caſe of refuſal, with renouncing their allegiance to him, and taking revenge on that miniſter by their own authority. They ſcarcely waited for an anſwer; but immediately fell upon the lands of young Spenſer, which they pillaged and deſtroyed; murdered his ſervants, drove off his cattle, and burned his houſes. They thence proceeded to commit like devaſtations on the eſtates of Spenſer the father, whoſe character they had hitherto ſeemed to reſpect: And having drawn and ſigned a formal aſſociation among themſelves, they marched to London with all their forces, ſtationed themſelves in the neighbourhood of that city, and demanded of the king the baniſhment of both the Spenſers. Theſe noblemen were then abſent; the father abroad; the ſon at ſea; and both of them employed in different commiſſions: The king therefore replied, that his coronation oath, by which he was bound to obſerve the laws, reſtrained him from giving his aſſent to ſo illegal a demand, or condemning noblemen who were accuſed of no crime, nor had any opportunity afforded them of making anſwer. Equity and reaſon were but a feeble oppoſition to men who had arms in their hands, and who, being already involved in guilt, ſaw no ſafety but

in ſucceſs and victory. They entered London with their troops; and giving in to the parliament, which was then ſitting, a charge againſt the Spenſers, of which they attempted not to prove one article, they procured, by menaces and violence, a ſentence of attainder and perpetual exile againſt theſe miniſters. This ſentence was voted by the lay barons alone: For the commons, though now an eſtate in parliament, were yet of ſo little conſideration, that their aſſent was not demanded; and even the votes of the prelates were neglected amidſt the preſent diſorders. The only ſymptom which theſe turbulent barons gave of their regard to law, was their requiring from the king an indemnity for their illegal proceedings; after which they diſbanded their army, and ſeparated, in ſecurity, as they imagined, to their ſeveral caſtles.

This act of violence, in which the king was obliged to acquieſce, rendered his perſon and his authority ſo contemptible, that every one thought himſelf entitled to treat him with neglect. The queen, having occaſion ſoon after to paſs by the caſtle of Leeds in Kent, which belonged to the lord Badleſmere, deſired a night's lodging, but was refuſed admittance; and ſome of her attendants, who preſented themſelves at the gate, were killed. The inſult upon this princeſs, who had always endeavoured to live on good terms with the barons, and who joined them heartily in their hatred of the younger Spenſer, was an action which nobody pretended to juſtify; and the king thought that he might, without giving general umbrage, aſſemble an army, and take vengeance on the offender. No one came to the aſſiſtance of Badleſmere; and Edward prevailed: But having now ſome forces on foot, and having concerted meaſures with his friends throughout England, he ventured to take off the maſk, to attack all his enemies, and to recal the two Spenſers, whoſe ſentence he declared illegal, unjuſt, contrary to the tenor of the Great Charter, paſſed without the aſſent of the prelates, and extorted by violence from him and the eſtate of barons. Still the commons were not mentioned by either party.

(1322.)

(1322.) The king had now got the ſtart of the barons; an advantage which, in thoſe times, was commonly deciſive: And he haſtened with his army to the marches of Wales, the chief ſeat of the power of his enemies, whom he found totally unprepared for reſiſtance. Many of the barons in thoſe parts endeavoured to appeaſe him by ſubmiſſion: Their caſtles were ſeized, and their perſons committed to cuſtody. But Lancaſter, in order to prevent the total ruin of his party, ſummoned together his vaſſals and retainers; declared his alliance with Scotland, which had long been ſuſpected; received the promiſe of a reinforcement from that country, under the command of Randolf earl of Murray, and ſir James Douglas; and being joined by the earl of Hereford, advanced with all his forces againſt the king, who had collected an army of 30,000 men, and was ſuperior to his enemies. Lancaſter poſted himſelf at Burton upon Trent, and endeavoured to defend the paſſages of the river: But being diſappointed in that plan of operations, this prince, who had no military genius, and whoſe perſonal courage was even ſuſpected, fled with his army to the north, in expectation of being there joined by his Scottiſh allies. He was purſued by the king; and his army diminiſhed daily, till he came to Boroughbridge, where he found ſir Andrew Harcla poſted with ſome forces on the oppoſite ſide of the river, and ready to diſpute the paſſage with him. He was repulſed in an attempt which he made to force his way; the earl of Hereford was killed; the whole army of the rebels was diſconcerted (16th March); Lancaſter himſelf was become incapable of taking any meaſures either for flight or defence; and he was ſeized, without reſiſtance, by Harcla; and conducted to the king. In thoſe violent times, the laws were ſo much neglected on both ſides, that, even where they might, without any ſenſible inconvenience, have been obſerved, the conquerors deemed it unneceſſary to pay any regard to them. Lancaſter, who was guilty of open rebellion, and was taken in arms againſt his ſovereign, inſtead of being tried by the laws of his country, which pro-

pronounced the ſentence of death againſt him, was condemned by a court-martial, and led to execution. Edward, however little vindictive in his natural temper, here indulged his revenge, and employed againſt the priſoner the ſame indignities which had been exerciſed, by his orders, againſt Gavaſton. (23d March.) He was clothed in a mean attire, placed on a lean jade without a bridle, a hood was put on his head, and in this poſture, attended by the acclamations of the people, this prince was conducted to an eminence near Pomfret, one of his own caſtles, and there beheaded.

Thus periſhed Thomas earl of Lancaſter, prince of the blood, and one of the moſt potent barons that had ever been in England. His public conduct ſufficiently diſcovers the violence and turbulence of his character: His private deportment appears not to have been more innocent: And his hypocritical devotion, by which he gained the favour of the monks and populace, will rather be regarded as an aggravation than an alleviation of his guilt. Badleſmere, Giffard, Barret, Cheney, Fleming, and about eighteen of the moſt notorious offenders, were afterwards condemned by a legal trial, and were executed. Many were thrown into priſon: Others made their eſcape beyond ſea: Some of the king's ſervants were rewarded from the forfeitures: Harcla received for his ſervices the earldom of Carliſle, and a large eſtate, which he ſoon after forfeited with his life, for a treaſonable correſpondence with the king of Scotland. But the greater part of thoſe vaſt eſcheats was ſeized by young Spenſer, whoſe rapacity was inſatiable. Many of the barons of the king's party were diſguſted with this partial diviſion of the ſpoils: The envy againſt Spenſer roſe higher than ever: The uſual inſolence of his temper, inflamed by ſucceſs, impelled him to commit many acts of violence: The people, who always hated him, made him ſtill more the object of averſion: All the relations of the attainted barons and gentlemen ſecretly vowed revenge: And though tranquillity was, in appearance, reſtored to the kingdom,

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the general contempt of the king, and odium againſt Spenſer, bred dangerous humours, the ſource of future revolutions and convulſions.

In this ſituation, no ſucceſs could be expected from foreign wars; and Edward, after making one more fruitleſs attempt againſt Scotland, whence he retreated with diſhonour, found it neceſſary to terminate hoſtilities with that kingdom by a truce of thirteen years. Robert, though his title to the crown was not acknowledged in the treaty, was ſatisfied with enſuring his poſſeſſion of it during ſo long a time. He had repelled with gallantry all the attacks of England: He had carried war both into that kingdom and into Ireland: He had rejected with diſdain the pope's authority, who pretended to impoſe his commands upon him, and oblige him to make peace with his enemies: His throne was firmly eſtabliſhed, as well in the affections of his ſubjects as by force of arms: Yet there naturally remained ſome inquietude in his mind, while at war with a ſtate which, however at preſent diſordered by faction, was of itſelf ſo much an over-match for him, both in riches and in numbers of people. And this truce was, at the ſame time, the more ſeaſonable for England, becauſe the nation was at that juncture threatened with hoſtilities from France.

(1324.) Philip the Fair king of France, who died in 1315, had left the crown to his ſon Lewis Hutin, who, after a ſhort reign, dying without male iſſue, was ſucceeded by Philip the Long, his brother, whoſe death ſoon after made way for Charles the Fair, the youngeſt brother of that family. This monarch had ſome grounds of complaint againſt the king's miniſters in Guienne; and as there was no common or equitable judge in that ſtrange ſpecies of ſovereignty eſtabliſhed by the feudal law, he ſeemed deſirous to take advantage of Edward's weakneſs, and, under that pretence, to confiſcate all his foreign dominions. After an embaſſy by the earl of Kent, the king's brother, had been tried in vain, queen Iſabella obtained permiſſion to go over to Paris, and endeavour to adjuſt, in an amicable manner, the difference with her brother: But while ſhe was making

making ſome progreſs in this negotiation, Charles ſtarted a new pretenſion, the juſtice of which could not be diſputed, that Edward himſelf ſhould appear in his court, and do homage for the fees which he held in France. But there occurred many difficulties in complying with this demand. Young Spenſer, by whom the king was implicitly governed, had unavoidably been engaged in many quarrels with the queen, who aſpired to the ſame influence; and though that artful princeſs, on her leaving England, had diſſembled her animoſity, Spenſer, well acquainted with her ſecret ſentiments, was unwilling to attend his maſter to Paris, and appear in a court, where her credit might expoſe him to inſults, if not danger. He heſitated no leſs on allowing the king to make the journey alone; both fearing, leſt that eaſy prince ſhould in his abſence fall under other influence; and foreſeeing the perils to which he himſelf ſhould be expoſed, if, without the protection of royal authority, he remained in England, where he was ſo generally hated. (1325.) While theſe doubts occaſioned delays and difficulties, Iſabella propoſed, that Edward ſhould reſign the dominion of Guienne to his ſon, now thirteen years of age; and that the prince ſhould come to Paris, and do the homage which every vaſſal owed to his ſuperior lord. This expedient, which ſeemed ſo happily to remove all difficulties, was immediately embraced: Spenſer was charmed with the contrivance: Young Edward was ſent to Paris: And the ruin covered under this fatal ſnare, was never perceived or ſuſpected by any of the Engliſh council.

The queen, on her arrival in France, had there found a great number of Engliſh fugitives, the remains of the Lancaſtrian faction; and their common hatred of Spenſer ſoon begat a ſecret friendſhip and correſpondence between them and that princeſs. Among the reſt was young Roger Mortimer, a potent baron in the Welſh marches, who had been obliged, with others, to make his ſubmiſſions to the king; had been condemned for high treaſon; but having received a pardon for his life, was afterwards detained in the Tower, with an intention

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of rendering his confinement perpetual. He was ſo fortunate as to make his eſcape into France; and being one of the moſt conſiderable perſons now remaining of the party, as well as diſtinguiſhed by his violent animoſity againſt Spenſer, he was eaſily admitted to pay his court to queen Iſabella. The graces of his perſon and addreſs advanced him quickly in her affections: He became her confident and counſellor in all her meaſures: And gaining ground daily upon her heart, he engaged her to ſacrifice at laſt to her paſſion, all the ſentiments of honour and of fidelity to her huſband. Hating now the man whom ſhe had injured, and whom ſhe never valued, ſhe entered ardently into all Mortimer's conſpiracies; and having artfully gotten into her hands the young prince, and heir of the monarchy, ſhe reſolved on the utter ruin of the king, as well as of his favourite. She engaged her brother to take part in the ſame criminal purpoſe: Her court was daily filled with the exiled barons: Mortimer lived in the moſt declared intimacy with her: A correſpondence was ſecretly carried on with the malcontent party in England: And when Edward, informed of thoſe alarming circumſtances, required her ſpeedily to return with the prince, ſhe publicly replied, that ſhe would never ſet foot in the kingdom, till Spenſer was for ever removed from his preſence and councils: A declaration which procured her great popularity in England, and threw a decent veil over all her treaſonable enterpriſes.

Edward endeavoured to put himſelf in a poſture of defence; but, beſides the difficulties ariſing from his own indolence and ſlender abilities, and the want of authority which of conſequence attended all his reſolutions, it was not eaſy for him, in the preſent ſtate of the kingdom and revenue, to maintain a conſtant force ready to repel an invaſion, which he knew not at what time or place he had reaſon to expect. All his efforts were unequal to the traiterous and hoſtile conſpiracies, which, both at home and abroad, were forming againſt his authority, and which were daily penetrating farther even into his own family. His brother, the earl of Kent,

Kent, a virtuous but weak prince, who was then at Paris, was engaged by his ſiſter-in-law, and by the king of France, who was alſo his couſin-german, to give countenance to the invaſion, whoſe ſole object, he believed, was the expulſion of the Spenſers: He prevailed on his elder brother, the earl of Norfolk, to enter ſecretly into the ſame deſign: The earl of Leiceſter, brother and heir of the earl of Lancaſter, had too many reaſons for his hatred of theſe miniſters, to refuſe his concurrence. Walter de Reynel archbiſhop of Canterbury, and many of the prelates, expreſſed their approbation of the queen's meaſures: Several of the moſt potent barons, envying the authority of the favourite, were ready to fly to arms: The minds of the people, by means of ſome truths and many calumnies, were ſtrongly diſpoſed to the ſame party: And there needed but the appearance of the queen and prince, with ſuch a body of foreign troops as might protect her againſt immediate violence, to turn all this tempeſt, ſo artfully prepared, againſt the unhappy Edward.

(1326.) Charles, though he gave countenance and aſſiſtance to the faction, was aſhamed openly to ſupport the queen and prince againſt the authority of a huſband and father; and Iſabella was obliged to court the alliance of ſome other foreign potentate, from whoſe dominions ſhe might ſet out on her intended enterpriſe. For this purpoſe ſhe affianced young Edward, whoſe tender age made him incapable to judge of the conſequences, with Philippa, daughter of the count of Holland and Hainault; and having, by the open aſſiſtance of this prince, and the ſecret protection of her brother, inliſted in her ſervice near three thouſand men, ſhe ſet ſail from the harbour of Dort, and landed ſafely, and without oppoſition (24th September), on the coaſt of Suffolk. The earl of Kent was in her company: Two other princes of the blood, the earl of Norfolk and the earl of Leiceſter, joined her ſoon after her landing with all their followers: Three prelates, the biſhops of Ely, Lincoln, and Hereford, brought her both the force of their vaſſals and the authority of their character: Even

Robert de Watteville, who had been ſent by the king to oppoſe her progreſs in Suffolk, deſerted to her with all his forces. To render her cauſe more favourable, ſhe renewed her declaration, that the ſole purpoſe of her enterpriſe was to free the king and kingdom from the tyranny of the Spenſers, and of chancellor Baldoc, their creature. The populace were allured by her ſpecious pretences: The barons thought themſelves ſecure againſt forfeitures by the appearance of the prince in her army: And a weak irreſolute king, ſupported by miniſters generally odious, was unable to ſtem this torrent, which bore with ſuch irreſiſtible violence againſt him.

Edward, after trying in vain to rouſe the citizens of London to ſome ſenſe of duty, departed for the weſt, where he hoped to meet with a better reception; and he had no ſooner diſcovered his weakneſs by leaving the city, than the rage of the populace broke out without control againſt him and his miniſters. They firſt plundered, then murdered all thoſe who were obnoxious to them: They ſeized the biſhop of Exeter, a virtuous and loyal prelate, as he was paſſing through the ſtreets; and having beheaded him, they threw his body into the river. They made themſelves maſters of the Tower by ſurpriſe; then entered into a formal aſſociation to put to death, without mercy, every one who ſhould dare to oppoſe the enterpriſe of queen Iſabella, and of the prince. A like ſpirit was ſoon communicated to all other parts of England; and threw the few ſervants of the king, who ſtill entertained thoughts of performing their duty, into terror and aſtoniſhment.

Edward was hotly purſued to Briſtol by the earl of Kent, ſeconded by the foreign forces under John de Hainault. He found himſelf diſappointed in his expectations with regard to the loyalty of thoſe parts; and he paſſed over to Wales, where, he flattered himſelf, his name was more popular, and which he hoped to find uninfected with the contagion of general rage which had ſeized the Engliſh. The elder Spenſer, created earl of Wincheſter, was left governor of the caſtle of Briſtol; but the garriſon mutinied againſt him, and he was de-

livered into the hands of his enemies. This venerable noble, who had nearly reached his ninetieth year, was inſtantly, without trial, or witneſs, or accuſation, or anſwer, condemned to death by the rebellious barons: He was hanged on a gibbet; his body was cut in pieces, and thrown to the dogs; and his head was ſent to Wincheſter, the place whoſe title he bore, and was there ſet on a pole, and expoſed to the inſults of the populace.

The king, diſappointed anew in his expectations of ſuccour from the Welſh, took ſhipping for Ireland; but being driven back by contrary winds, he endeavoured to conceal himſelf in the mountains of Wales: He was ſoon diſcovered, was put under the cuſtody of the earl of Leiceſter, and was confined in the caſtle of Kenilworth. The younger Spenſer, his favourite, who alſo fell into the hands of his enemies, was executed, like his father, without any appearance of a legal trial: The earl of Arundel, almoſt the only man of his rank in England who had maintained his loyalty, was, without any trial, put to death at the inſtigation of Mortimer: Baldoc, the chancellor, being a prieſt, could not with ſafety be ſo ſuddenly deſpatched; but being ſent to the biſhop of Hereford's palace in London, he was there, as his enemies probably foreſaw, ſeized by the populace, was thrown into Newgate, and ſoon after expired, from the cruel uſage which he had received. Even the uſual reverence paid to the ſacerdotal character gave way, with every other conſideration, to the preſent rage of the people.

The queen, to avail herſelf of the prevailing deluſion, ſummoned, in the king's name, a parliament at Weſtminſter; where, together with the power of her army, and the authority of her partiſans among the barons, who were concerned to ſecure their paſt treaſons by committing new acts of violence againſt their ſovereign, ſhe expected to be ſeconded by the fury of the populace, the moſt dangerous of all inſtruments, and the leaſt anſwerable for their exceſſes. A charge was drawn up againſt the king (1327, 13th January), in which, even though it was framed by his inveterate enemies, nothing but his

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narrow genius, or his misfortunes, were objected to him: For the greatest malice found no particular crime with which it could reproach this unhappy prince. He was accused of incapacity for government, of wasting his time in idle amusements, of neglecting public business, of being swayed by evil counsellors, of having lost, by his misconduct, the kingdom of Scotland, and part of Guienne; and to swell the charge, even the death of some barons, and the imprisonment of some prelates, convicted of treason, were laid to his account. It was in vain, amidst the violence of arms and tumult of the people, to appeal either to law or to reason: The deposition of the king, without any appearing opposition, was voted by parliament: The prince, already declared regent by his party, was placed on the throne: And a deputation was sent to Edward at Kenilworth, to require his resignation, which menaces and terror soon extorted from him.

But it was impossible that the people, however corrupted by the barbarity of the times, still farther inflamed by faction, could for ever remain insensible to the voice of nature. Here, a wife had first deserted, next invaded, and then dethroned her husband; had made her minor son an instrument in this unnatural treatment of his father; had, by lying pretences, seduced the nation into a rebellion against their sovereign; had pushed them into violence and cruelties that had dishonoured them: All those circumstances were so odious in themselves, and formed such a complicated scene of guilt, that the least reflection sufficed to open men's eyes, and make them detest this flagrant infringement of every public and private duty. The suspicions which soon arose of Isabella's criminal commerce with Mortimer, the proofs which daily broke out of this part of her guilt, increased the general abhorrence against her; and her hypocrisy, in publicly bewailing with tears the king's unhappy fate, was not able to deceive even the most stupid and most prejudiced of her adherents. In proportion as the queen became the object of public hatred, the dethroned monarch, who had been the victim of

her crimes and her ambition, was regarded with pity, with friendſhip, with veneration: And men became ſenſible, that all his miſconduct, which faction had ſo much exaggerated, had been owing to the unavoidable weakneſs, not to any voluntary depravity, of his character. The earl of Leiceſter, now earl of Lancaſter, to whoſe cuſtody he had been committed, was ſoon touched with thoſe generous ſentiments, and beſides uſing his priſoner with gentleneſs and humanity, he was ſuſpected to have entertained ſtill more honourable intentions in his favour. The king, therefore, was taken from his hands, and delivered over to lord Berkeley, and Mautravers, and Gournay, who were entruſted alternately, each for a month, with the charge of guarding him. While he was in the cuſtody of Berkeley, he was ſtill treated with the gentleneſs due to his rank and his misfortunes; but when the turn of Mautravers and Gournay came, every ſpecies of indignity was practiſed againſt him, as if their intention had been to break entirely the prince's ſpirit, and to employ his ſorrows and afflictions, inſtead of more violent and more dangerous expedients, for the inſtruments of his murder. It is reported that one day, when Edward was to be ſhaved, they ordered cold and dirty water to be brought from the ditch for that purpoſe; and when he deſired it to be changed, and was ſtill denied his requeſt, he burſt into tears, which bedewed his cheeks; and he exclaimed, that, in ſpite of their inſolence, he ſhould be ſhaved with clean and warm water. But as this method of laying Edward in his grave appeared ſtill too ſlow to the impatient Mortimer, he ſecretly ſent orders to the two keepers, who were at his devotion, inſtantly to deſpatch him; and theſe ruffians contrived to make the manner of his death as cruel and barbarous as poſſible. Taking advantage of Berkeley's ſickneſs, in whoſe cuſtody he then was, and who was thereby incapacitated from attending his charge; they came to Berkeley-caſtle, and put themſelves in poſſeſſion of the king's perſon. They threw him on a bed (21ſt Sept.); held him down violently with a table, which they flung over him; thruſt into his

his fundament a red-hot iron, which they inſerted through a horn; and though the outward marks of violence upon his perſon were prevented by this expedient, the horrid deed was diſcovered to all the guards and attendants by the ſcreams with which the agonizing king filled the caſtle, while his bowels were conſuming.

Gournay and Mautravers were held in general deteſtation; and when the enſuing revolution in England threw their protectors from power, they found it neceſſary to provide for their ſafety by flying the kingdom. Gournay was afterwards ſeized at Marſeilles, delivered over to the ſeneſchal of Guienne, put on board a ſhip with a view of carrying him to England; but was beheaded at ſea by ſecret orders, as was ſuppoſed, from ſome nobles and prelates in England, anxious to prevent any diſcovery which he might make of his accomplices. Mautravers concealed himſelf for ſeveral years in Germany; but having found means of rendering ſome ſervice to Edward III. he ventured to approach his perſon, threw himſelf on his knees before him, ſubmitted to mercy, and received a pardon.

It is not eaſy to imagine a man more innocent and inoffenſive than the unhappy king whoſe tragical death we have related; nor a prince leſs fitted for governing that fierce and turbulent people ſubjected to his authority. He was obliged to devolve on others the weight of government, which he had neither ability nor inclination to bear: The ſame indolence and want of penetration led him to make choice of miniſters and favourites who were not always the beſt qualified for the truſt committed to them: The ſeditious grandees, pleaſed with his weakneſs, yet complaining of it; under pretence of attacking his miniſters, inſulted his perſon and invaded his authority: And the impatient populace, miſtaking the ſource of their grievances, threw all the blame upon the king, and increaſed the public diſorders by their faction and violence. It was in vain to look for protection from the laws, whoſe voice, always feeble in thoſe times, was not heard amidſt the din of arms: What could not defend the king was leſs able to give ſhelter

to any of the people: The whole machine of government was torn in pieces with fury and violence: And men, inſtead of regretting the manners of their age, and the form of their conſtitution, which required the moſt ſteady and moſt ſkilful hand to conduct them, imputed all errors to the perſon who had the misfortune to be entruſted with the reins of empire.

But though ſuch miſtakes are natural and almoſt unavoidable while the events are recent, it is a ſhameful deluſion in modern hiſtorians, to imagine that all the ancient princes, who were unfortunate in their government, were alſo tyrannical in their conduct, and that the ſeditions of the people always proceeded from ſome invaſion of their privileges by the monarch. Even a great and a good king was not in that age ſecure againſt faction and rebellion, as appears in the caſe of Henry II.; but a great king had the beſt chance, as we learn from the hiſtory of the ſame period, for quelling and ſubduing them. Compare the reigns and characters of Edward I. and II. The father made ſeveral violent attempts againſt the liberties of the people: His barons oppoſed him: He was obliged, at leaſt found it prudent, to ſubmit: But as they dreaded his valour and abilities, they were content with reaſonable ſatisfaction, and puſhed no farther their advantages againſt him. The facility and weakneſs of the ſon, not his violence, threw every thing into confuſion: The laws and government were overturned: An attempt to reinſtate them was an unpardonable crime: And no atonement, but the depoſition and tragical death of the king himſelf, could give thoſe barons contentment. It is eaſy to ſee that a conſtitution which depended ſo much on the perſonal character of the prince, muſt neceſſarily, in many of its parts, be a government of will, not of laws. But always to throw, without diſtinction, the blame of all diſorders upon the ſovereign, would introduce a fatal error in politics, and ſerve as a perpetual apology for treaſon and rebellion: As if the turbulence of the great, and madneſs of the people, were not, equally with the tyranny of princes, evils incident to human ſociety, and

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no leſs carefully to be guarded againſt in every well-regulated conſtitution.

While theſe abominable ſcenes paſſed in England, the theatre of France was ſtained with a wickedneſs equally barbarous, and ſtill more public and deliberate. The order of knights templars had ariſen during the firſt fervour of the cruſades; and uniting the two qualities, the moſt popular in that age, devotion and valour, and exerciſing both in the moſt popular of all enterpriſes, the defence of the Holy Land, they had made rapid advances in credit and authority, and had acquired, from the piety of the faithful, ample poſſeſſions in every country of Europe, eſpecially in France. Their great riches, joined to the courſe of time, had, by degrees, relaxed the ſeverity of theſe virtues; and the templars had in a great meaſure loſt that popularity which firſt raiſed them to honour and diſtinction. Acquainted from experience with the fatigues and dangers of thoſe fruitleſs expeditions to the Eaſt, they rather choſe to enjoy in eaſe their opulent revenues in Europe: And being all men of birth, educated, according to the cuſtom of that age, without any tincture of letters, they ſcorned the ignoble occupations of a monaſtic life, and paſſed their time wholly in the faſhionable amuſements of hunting, gallantry, and the pleaſures of the table. Their rival order, that of St. John of Jeruſalem, whoſe poverty had as yet preſerved them from like corruptions, ſtill diſtinguiſhed themſelves by their enterpriſes againſt the infidels, and ſucceeded to all the popularity, which was loſt by the indolence and luxury of the templars. But though theſe reaſons had weakened the foundations of this order, once ſo celebrated and revered, the immediate cauſe of their deſtruction proceeded from the cruel and vindictive ſpirit of Philip the Fair, who, having entertained a private diſguſt againſt ſome eminent templars, determined to gratify at once his avidity and revenge, by involving the whole order in an undiſtinguiſhed ruin. On no better information than that of two knights, condemned by their ſuperiors to perpetual impriſonment for their vices and profligacy, he ordered on one day all the templars

plars in France to be committed to priſon, and imputed to them ſuch enormous and abſurd crimes, as are ſufficient of themſelves to deſtroy all the credit of the accuſation. Beſides their being univerſally charged with murder, robbery, and vices the moſt ſhocking to nature; every one, it was pretended, whom they received into their order, was obliged to renounce his Saviour, to ſpit upon the croſs, and to join to this impiety the ſuperſtition of worſhipping a gilded head, which was ſecretly kept in one of their houſes at Marſeilles. They alſo initiated, it was ſaid, every candidate by ſuch infamous rites, as could ſerve to no other purpoſe, than to degrade the order in his eyes, and deſtroy for ever the authority of all his ſuperiors over him *. Above a hundred of theſe unhappy gentlemen were put to the queſtion, in order to extort from them a confeſſion of their guilt: The more obſtinate periſhed in the hands of their tormentors: Several, to procure immediate eaſe in the violence of their agonies, acknowledged whatever was required of them: Forged confeſſions were imputed to others: And Philip, as if their guilt were now certain, proceeded to a confiſcation of all their treaſures. But no ſooner were the templars relieved from their tortures, than, preferring the moſt cruel execution to a life with infamy, they diſavowed their confeſſions, exclaimed againſt the forgeries, juſtified the innocence of their order, and appealed to all the gallant actions performed by them in ancient or later times, as a full apology for their conduct. The tyrant, enraged at this diſappointment, and thinking himſelf now engaged in honour to proceed to extremities, ordered fifty-four of them, whom he branded as relapſed heretics, to periſh by the puniſhment of fire in his capital: Great numbers expired after a like manner in other parts of the kingdom: And when he found that the perſeverance of theſe unhappy victims, in juſtifying to the laſt their innocence, had made deep impreſſion on the ſpectators, he endeavoured

* It was pretended that he kiſſed the knights who received him on the mouth, navel, and breech.

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to overcome the conſtancy of the templars by new inhumanities. The grand maſter of the order, John de Molay, and another great officer, brother to the ſovereign of Dauphiny, were conducted to a ſcaffold, erected before the church of Notredame, at Paris, a full pardon was offered them on the one hand; the fire, deſtined for their execution, was ſhown to them on the other: Theſe gallant nobles ſtill perſiſted in the proteſtations of their own innocence and that of their order; and were inſtantly hurried into the flames by the executioner.

In all this barbarous injuſtice, Clement V. who was the creature of Philip, and then reſided in France, fully concurred; and without examining a witneſs, or making any inquiry into the truth of facts, he ſummarily, by the plenitude of his apoſtolic power, aboliſhed the whole order. The templars all over Europe were thrown into priſon; their conduct underwent a ſtrict ſcrutiny; the power of their enemies ſtill purſued and oppreſſed them; but no-where, except in France, were the ſmalleſt traces of their guilt pretended to be found. England ſent an ample teſtimony of their piety and morals; but as the order was now annihilated, the knights were diſtributed into ſeveral convents, and their poſſeſſions were, by command of the pope, tranſferred to the order of St. John. We now proceed to relate ſome other detached tranſactions of the preſent period.

The kingdom of England was afflicted with a grievous famine during ſeveral years of this reign. Perpetual rains and cold weather not only deſtroyed the harveſt, but bred a mortality among the cattle, and raiſed every kind of food to an enormous price. The parliament, in 1315, endeavoured to fix more moderate rates to commodities; not ſenſible that ſuch an attempt was impracticable, and that, were it poſſible to reduce the price of proviſions by any other expedient than by introducing plenty, nothing could be more pernicious and deſtructive to the public. Where the produce of a year, for inſtance, falls ſo far ſhort, as to afford full

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ſubſiſtence only for nine months, the only expedient for making it laſt all the twelve, is to raiſe the prices, to put the people by that means on ſhort allowance, and oblige them to ſave their food till a more plentiful ſeaſon. But, in reality, the increaſe of prices is a neceſſary conſequence of ſcarcity; and laws, inſtead of preventing it, only aggravate the evil, by cramping and reſtraining commerce. The parliament accordingly, in the enſuing year, repealed their ordinance, which they had found uſeleſs and burdenſome.

The prices affixed by the parliament are ſomewhat remarkable: Three pounds twelve ſhillings of our preſent money for the beſt ſtalled ox; for other oxen, two pounds eight ſhillings: A fat hog of two years old, ten ſhillings: A fat wether unſhorn, a crown; if ſhorn, three ſhillings and ſixpence: A fat gooſe, ſeven-pence halfpenny: A fat capon, ſix-pence: A fat hen, three-pence: Two chickens, three-pence: Four pigeons, three-pence: Two dozen of eggs, three-pence. If we conſider theſe prices, we ſhall find that butcher's meat, in this time of great ſcarcity, muſt ſtill have been ſold, by the parliamentary ordinance, three times cheaper than our middling prices at preſent: Poultry ſomewhat lower; becauſe, being now conſidered as a delicacy, it has riſen beyond its proportion. In the country places of Ireland and Scotland, where delicacies bear no price, poultry is at preſent as cheap, if not cheaper, than butcher's meat. But the inference I would draw from the compariſon of prices is ſtill more conſiderable: I ſuppoſe that the rates, affixed by parliament, were inferior to the uſual market prices in thoſe years of famine and mortality of cattle; and that theſe commodities, inſtead of a third, had really riſen to a half of the preſent value. But the famine at that time was ſo conſuming, that wheat was ſometimes ſold for above four pounds ten ſhillings a quarter, uſually for three pounds; that is, twice our middling prices: A certain proof of the wretched ſtate of tillage in thoſe ages. We formerly found, that the middling price of corn in that period was half of the preſent price; while the

the middling price of cattle was only an eighth part: We here find the ſame immenſe diſproportion in years of ſcarcity. It may thence be inferred with certainty, that the raiſing of corn was a ſpecies of manufactory, which few in that age could practiſe with advantage: And there is reaſon to think, that other manufactures more refined, were ſold even beyond their preſent prices: At leaſt there is a demonſtration for it in the reign of Henry VII. from the rates affixed to ſcarlet and other broad cloth by act of parliament. During all thoſe times, it was uſual for the princes and great nobility to make ſettlements of their velvet beds and ſilken robes, in the ſame manner as of their eſtates and manors. In the liſt of jewels and plate which had belonged to the oſtentatious Gavaſton, and which the king recovered from the earl of Lancaſter after the murder of that favourite, we find ſome embroidered girdles, flowered ſhirts, and ſilk waiſtcoats. It was afterwards one article of accuſation againſt that potent and opulent earl, when he was put to death, that he had purloined ſome of that finery of Gavaſton's. The ignorance of thoſe ages in manufactures, and ſtill more, their unſkilful huſbandry, ſeem a clear proof that the country was then far from being populous.

All trade and manufactures indeed were then at a very low ebb. The only country in the northern parts of Europe, where they ſeem to have riſen to any tolerable degree of improvement, was Flanders. When Robert, earl of that country, was applied to by the king, and was deſired to break off commerce with the Scots, whom Edward called his rebels, and repreſented as excommunicated on that account by the church, the earl replied, that Flanders was always conſidered as common, and free and open to all nations.

The petition of the elder Spenſer to parliament, complaining of the devaſtation committed on his lands by the barons, contains ſeveral particulars which are curious, and diſcover the manners of the age. He affirms, that they had ravaged ſixty-three manors belonging to him, and he makes his loſſes amount to 46,000 pounds; that

that is, to 138,000 of our preſent money. Among other particulars he enumerates 28,000 ſheep, 1000 oxen and heifers, 1200 cows with their breed for two years, 560 cart horſes, 2000 hogs, together with 600 bacons, 80 carcaſes of beef, and 600 muttons in the larder; ten tuns of cyder, arms for 200 men, and other warlike engines and proviſions. The plain inference is, that the greater part of Spenſer's vaſt eſtate, as well as the eſtates of the other nobility, was farmed by the landlord himſelf, managed by his ſtewards or bailiffs, and cultivated by his villains. Little or none of it was let on leaſe to huſbandmen: Its produce was conſumed in ruſtic hoſpitality by the baron or his officers: A great number of idle retainers, ready for any diſorder or miſchief, were maintained by him: All who lived upon his eſtate were abſolutely at his diſpoſal: Inſtead of applying to courts of juſtice, he uſually ſought redreſs by open force and violence: The great nobility were a kind of independent potentates, who, if they ſubmitted to any regulations at all, were leſs governed by the municipal law, than by a rude ſpecies of the law of nations. The method in which we find they treated the king's favourites and miniſters, is a proof of their uſual way of dealing with each other. A party which complains of the arbitrary conduct of miniſters, ought naturally to affect a great regard for the laws and conſtitution, and maintain at leaſt the appearance of juſtice in their proceedings: Yet thoſe barons, when diſcontented, came to parliament with an armed force, conſtrained the king to aſſent to their meaſures, and without any trial or witneſs or conviction, paſſed, from the pretended notoriety of facts, an act of baniſhment or attainder againſt the miniſter, which, on the firſt revolution of fortune, was reverſed by like expedients. The parliament, during factious times, was nothing but the organ of preſent power. Though the perſons, of whom it was chiefly compoſed, ſeemed to enjoy great independence, they really poſſeſſed no true liberty; and the ſecurity of each individual among them, was not ſo much derived from the general protection of law,

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as from his own private power and that of his confederates. The authority of the monarch, though far from abſolute, was irregular, and might often reach him: The current of a faction might overwhelm him: A hundred conſiderations, of benefits and injuries, friendſhips and animoſities, hopes and fears, were able to influence his conduct; and amidſt theſe motives a regard to equity and law and juſtice was commonly, in thoſe rude ages, of little moment. Nor did any man entertain thoughts of oppoſing preſent power, who did not deem himſelf ſtrong enough to diſpute the field with it by force, and was not prepared to give battle to the ſovereign or the ruling party.

Before I conclude this reign, I cannot forbear making another remark, drawn from the detail of loſſes given in by the elder Spenſer; particularly, the great quantity of ſalted meat which he had in his larder; 600 bacons, 80 carcaſes of beef, 600 muttons. We may obſerve that the outrage of which he complained began after the third of May, or the eleventh new ſtyle, as we learn from the ſame paper. It is eaſy therefore to conjecture what a vaſt ſtore of the ſame kind he muſt have laid up at the beginning of winter; and we may draw a new concluſion with regard to the wretched ſtate of ancient huſbandry, which could not provide ſubſiſtence for the cattle during winter, even in ſuch a temperate climate as the ſouth of England: For Spenſer had but one manor ſo far north as Yorkſhire. There being few or no incloſures, except perhaps for deer, no ſown graſs, little hay, and no other reſource for feeding cattle; the barons, as well as the people, were obliged to kill and ſalt their oxen and ſheep in the beginning of winter, before they became lean upon the common paſture: A precaution ſtill practiſed with regard to oxen in the leaſt cultivated parts of this iſland. The ſalting of mutton is a miſerable expedient, which has every-where been long diſuſed. From this circumſtance, however trivial in appearance, may be drawn important inferences with regard to the domeſtic economy and manner of life in thoſe ages.

The diſorders of the times, from foreign wars and inteſtine diſſenſions, but above all, the cruel famine, which obliged the nobility to diſmiſs many of their retainers, increaſed the number of robbers in the kingdom; and no place was ſecure from their incurſions. They met in troops like armies, and over-ran the country. Two cardinals themſelves, the pope's legates, notwithſtanding the numerous train which attended them, were robbed, and deſpoiled of their goods and equipage, when they travelled on the highway.

Among the other wild fancies of the age, it was imagined, that the perſons affected with leproſy, a diſeaſe at that time very common, probably from bad diet, had conſpired with the Saracens to poiſon all the ſprings and fountains; and men being glad of any pretence to get rid of thoſe who were a burden to them, many of thoſe unhappy people were burnt alive on this chimerical imputation. Several Jews alſo were puniſhed in their perſons, and their goods were confiſcated, on the ſame account.

Stowe, in his Survey of London, gives us a curious inſtance of the hoſpitality of the ancient nobility in this period: It is taken from the accounts of the ſofferer or ſteward of Thomas earl of Lancaſter, and contains the expenſes of that earl during the year 1313, which was not a year of famine. For the pantry, buttery, and kitchen, 3405 pounds. For 369 pipes of red wine, and two of white, 104 pounds, &c. The whole 7309 pounds; that is, near 22,000 pounds of our preſent money; and making allowance for the cheapneſs of commodities, near a hundred thouſand pounds.

I have ſeen a French manuſcript, containing accounts of ſome private diſburſements of this king. There is an article, among others, of a crown paid to one for making the king laugh. To judge by the events of the reign, this ought not to have been an eaſy undertaking.

This king left four children, two ſons, and two daughters; Edward, his eldeſt ſon and ſucceſſor; John, created

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EDWARD III.

Engraved for J. Parsons, 21, Paternoster Row. Feb.y 1794.

created afterwards earl of Cornwal, who died young at Perth; Jane, afterwards married to David Bruce king of Scotland; and Eleanor, married to Reginald count of Gueldres.

CHAP. XV.

EDWARD III.

War with Scotland—Execution of the earl of Kent—Execution of Mortimer earl of March—State of Scotland—War with that kingdom—King's claim to the crown of France—Preparations for war with France—War—Naval victory—Domeſtic diſturbances—Affairs of Britanny—Renewal of the wars with France—Invaſion of France—Battle of Crecy—War with Scotland—Captivity of the king of Scots—Calais taken.

THE violent party, which had taken arms againſt Edward II. and finally depoſed that unfortunate monarch (1327, 20th Jan.), deemed it requiſite for their future ſecurity to pay ſo far an exterior obeiſance to the law, as to deſire a parliamentary indemnity for all their illegal proceedings; on account of the neceſſity which, it was pretended, they lay under, of employing force againſt the Spenſers and other evil counſellors, enemies of the kingdom. All the attainders alſo, which had paſſed againſt the earl of Lancaſter and his adherents, when the chance of war turned againſt them, were eaſily reverſed during the triumph of their party; and the Spenſers, whoſe former attainder had been reverſed by parliament, were now again, in this change of fortune, condemned by the votes of their enemies. A council of regency was likewiſe appointed by parliament, conſiſting of twelve perſons; five prelates, the archbiſhops of Canterbury and York, the biſhops of

Winchester, Worcester, and Hereford; and seven lay peers, the earls of Norfolk, Kent, and Surrey, and the lords Wake, Ingham, Piercy, and Ross. The earl of Lancaster was appointed guardian and protector of the king's person. But though it was reasonable to expect, that, as the weakness of the former king had given reins to the licentiousness of the barons, great domestic tranquillity would not prevail during the present minority; the first disturbance arose from an invasion by foreign enemies.

The king of Scots declining in years and health, but retaining still that martial spirit which had raised his nation from the lowest ebb of fortune, deemed the present opportunity favourable for infesting England. He first made an attempt on the castle of Norham, in which he was disappointed; he then collected an army of 25,000 men on the frontiers, and having given the command to the earl of Murray and lord Douglas, threatened an incursion into the northern counties. The English regency, after trying in vain every expedient to restore peace with Scotland, made vigorous preparations for war; and besides assembling an English army of near sixty thousand men, they invited back John of Hainault, and some foreign cavalry, whom they had dismissed, and whose discipline and arms had appeared superior to those of their own country. Young Edward himself, burning with a passion for military fame, appeared at the head of these numerous forces; and marched from Durham, the appointed place of rendezvous, in quest of the enemy, who had already broken into the frontiers, and were laying every thing waste around them.

Murray and Douglas were the two most celebrated warriors, bred in the long hostilities between the Scots and English; and their forces, trained in the same school, and enured to hardships, fatigues, and dangers, were perfectly qualified, by their habits and manner of life, for that desultory and destructive war which they carried into England. Except a body of about 4000 cavalry, well armed, and fit to make a steady impression

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in battle, the reſt of the army were light-armed troops, mounted on ſmall horſes, which found ſubſiſtence every-where, and carried them with rapid and unexpected marches, whether they meant to commit depredations on the peaceable inhabitants, or to attack an armed enemy, or to retreat into their own country. Their whole equipage conſiſted of a bag of oat-meal, which, as a ſupply in caſe of neceſſity, each ſoldier carried behind him; together with a light plate of iron, on which he inſtantly baked the meal into a cake in the open fields. But his chief ſubſiſtence was the cattle which he ſeized; and his cookery was as expeditious as all his other operations. After flaying the animal, he placed the ſkin, looſe and hanging in the form of a bag, upon ſome ſtakes; he poured water into it, kindled a fire below, and thus made it ſerve as a caldron for the boiling of his victuals.

The chief difficulty which Edward met with, after compoſing ſome dangerous frays which broke out between his foreign forces and the Engliſh, was to come up with an army ſo rapid in its marches, and ſo little incumbered in its motions. Though the flame and ſmoke of burning villages directed him ſufficiently to the place of their encampment, he found, upon hurrying thither, that they had already diſlodged; and he ſoon diſcovered, by new marks of devaſtation, that they had removed to ſome diſtant quarter. After haraſſing his army during ſome time in this fruitleſs chaſe, he advanced northwards, and croſſed the Tyne, with a reſolution of awaiting them on their return homewards, and taking vengeance for all their depredations. But that whole country was already ſo much waſted by their frequent incurſions, that it could not afford ſubſiſtence to his army; and he was obliged again to return ſouthwards, and change his plan of operations. He had now loſt all track of the enemy; and though he promiſed the reward of a hundred pounds a year to any one who ſhould bring him an account of their motions, he remained unactive ſome days, before he received any intelligence of them. He found at laſt,

that they had fixed their camp on the ſouthern banks of the Were, as if they intended to await a battle; but their prudent leaders had choſen the ground with ſuch judgment, that the Engliſh, on their approach, ſaw it impracticable, without temerity, to croſs the river in their front, and attack them in their preſent ſituation. Edward, impatient for revenge and glory, here ſent them a defiance, and challenged them, if they dared, to meet him in an equal field, and try the fortune of arms. The bold ſpirit of Douglas could ill brook this bravadoe, and he adviſed the acceptance of the challenge; but he was over-ruled by Murray, who replied to Edward, that he never took the counſel of an enemy in any of his operations. The king, therefore, kept ſtill his poſition oppoſite to the Scots; and daily expected, that neceſſity would oblige them to change their quarters, and give him an opportunity of overwhelming them with ſuperior forces. After a few days, they ſuddenly decamped, and marched farther up the river; but ſtill poſted themſelves in ſuch a manner as to preſerve the advantage of the ground, if the enemy ſhould venture to attack them. Edward inſiſted, that all hazards ſhould be run, rather than allow theſe ravagers to eſcape with impunity; but Mortimer's authority prevented the attack, and oppoſed itſelf to the valour of the young monarch. While the armies lay in this poſition, an incident happened which had well nigh proved fatal to the Engliſh. Douglas having gotten the word, and ſurveyed exactly the ſituation of the Engliſh camp, entered it ſecretly in the night-time, with a body of two hundred determined ſoldiers, and advanced to the royal tent, with a view of killing or carrying off the king in the midſt of his army. But ſome of Edward's attendants, awaking in that critical moment, made reſiſtance; his chaplain and chamberlain ſacrificed their lives for his ſafety; the king himſelf, after making a valorous defence, eſcaped in the dark: And Douglas, having loſt the greater part of his followers, was glad to make a haſty retreat with the remainder. Soon after, the Scottiſh army decamped without

without noiſe in the dead of night; and having thus gotten the ſtart of the Engliſh, arrived without farther loſs in their own country. Edward, on entering the place of the Scottiſh encampment, found only ſix Engliſhmen, whom the enemy, after breaking their legs, had tied to trees, in order to prevent their carrying any intelligence to their countrymen.

The king was highly incenſed at the diſappointment which he had met with in his firſt enterprize, and at the head of ſo gallant an army. The ſymptoms which he had diſcovered of bravery and ſpirit gave extreme ſatisfaction, and were regarded as ſure prognoſtics of an illuſtrious reign: But the general diſpleaſure fell violently on Mortimer, who was already the object of public odium: And every meaſure which he purſued, tended to aggravate, beyond all bounds, the hatred of the nation both againſt him and queen Iſabella.

When the council of regency was formed, Mortimer, though in the plenitude of his power, had taken no care to enſure a place in it; but this ſemblance of moderation was only a cover to the moſt iniquitous and moſt ambitious projects. He rendered that council entirely uſeleſs, by uſurping to himſelf the whole ſovereign authority; he ſettled on the queen-dowager the greater part of the royal revenues; he never conſulted either the princes of the blood or the nobility in any public meaſure; the king himſelf was ſo beſieged by his creatures, that no acceſs could be procured to him; and all the envy which had attended Gavaſton and Spenſer fell much more deſervedly on the new favourite.

(1328.) Mortimer, ſenſible of the growing hatred of the people, thought it requiſite on any terms to ſecure peace abroad; and he entered into a negotiation with Robert Bruce for that purpoſe. As the claim of ſuperiority in England, more than any other cauſe, had tended to inflame the animoſities between the two nations, Mortimer, beſides ſtipulating a marriage between Jane, ſiſter of Edward, and David, the ſon and heir of Robert,

Robert, conſented to reſign abſolutely this claim, to give up all the homages done by the Scotiſh parliament and nobility, and to acknowledge Robert as independent ſovereign of Scotland. In return for theſe advantages, Robert ſtipulated the payment of 30,000 marks to England. This treaty was ratified by parliament; but was nevertheleſs the ſource of great diſcontent among the people, who, having entered zealouſly into the pretenſions of Edward I. and deemed themſelves diſgraced by the ſucceſsful reſiſtance made by ſo inferior a nation, were diſappointed, by this treaty, in all future hopes both of conqueſt and of vengeance.

The princes of the blood, Kent, Norfolk, and Lancaſter, were much united in their councils; and Mortimer entertained great ſuſpicions of their deſigns againſt him. In ſummoning them to parliament, he ſtrictly prohibited them, in the king's name, from coming attended by an armed force, an illegal but uſual practice in that age. The three earls, as they approached to Saliſbury, the place appointed for the meeting of parliament, found, that though they themſelves, in obedience to the king's command, had brought only their uſual retinue with them, Mortimer and his party were attended by all their followers in arms; and they began with ſome reaſon to apprehend a dangerous deſign againſt their perſons. They retreated, aſſembled their retainers, and were returning with an army to take vengeance on Mortimer; when the weakneſs of Kent and Norfolk, who deſerted the common cauſe, obliged Lancaſter alſo to make his ſubmiſſions. The quarrel, by the interpoſition of the prelates, ſeemed for the preſent to be appeaſed.

(1329.) But Mortimer, in order to intimidate the princes, determined to have a victim; and the ſimplicity, with the good intentions, of the earl of Kent, afforded him ſoon after an opportunity of practiſing upon him. By himſelf and his emiſſaries he endeavoured to perſuade that prince that his brother king Edward was ſtill alive, and detained in ſome ſecret priſon in England. The earl, whoſe remorſes for the part which he had acted

acted againſt the late king probably inclined him to give credit to this intelligence, entered into a deſign of reſtoring him to liberty, of reinſtating him on the throne, and of making thereby ſome atonement for the injuries which he himſelf had unwarily done him. (1330.) After this harmleſs contrivance had been allowed to proceed a certain length, the earl was ſeized by Mortimer, was accuſed before the parliament, and condemned by thoſe ſlaviſh though turbulent barons, to loſe his life and fortune. The queen and Mortimer, apprehenſive of young Edward's lenity towards his uncle, hurried on the execution, and the priſoner was beheaded next day (9th March): But ſo general was the affection borne him, and ſuch pity prevailed for his unhappy fate, that though peers had been eaſily found to condemn him, it was evening before his enemies could find an executioner to perform the office.

The earl of Lancaſter, on pretence of his having aſſented to this conſpiracy, was ſoon after thrown into priſon: Many of the prelates and nobility were proſecuted: Mortimer employed this engine to cruſh all his enemies, and to enrich himſelf and his family by the forfeitures. The eſtate of the earl of Kent was ſeized for his younger ſon Geoffrey: The immenſe fortunes of the Spenſers and their adherents were moſtly converted to his own uſe: He affected a ſtate and dignity equal or ſuperior to the royal: His power became formidable to every one: His illegal practices were daily complained of: And all parties, forgetting paſt animoſities, conſpired in their hatred of Mortimer.

It was impoſſible that theſe abuſes could long eſcape the obſervation of a prince endowed with ſo much ſpirit and judgment as young Edward, who being now in his eighteenth year, and feeling himſelf capable of governing, repined at being held in fetters by this inſolent miniſter. But ſo much was he ſurrounded by the emiſſaries of Mortimer, that it behoved him to conduct the project for ſubverting him with the ſame

ſecreſy

ſecreſy and precaution as if he had been forming a conſpiracy againſt his ſovereign. He communicated his intentions to lord Mountacute, who engaged the lords Molins and Clifford, ſir John Nevil of Hornby, ſir Edward Bohun, Ufford, and others, to enter into their views; and the caſtle of Nottingham was choſen for the ſcene of the enterpriſe. The queen-dowager and Mortimer lodged in that fortreſs: The king alſo was admitted, though with a few only of his attendants: And as the caſtle was ſtrictly guarded, the gates locked every evening, and the keys carried to the queen, it became neceſſary to communicate the deſign to ſir William Eland the governor, who zealouſly took part in it. By his direction the king's aſſociates were admitted through a ſubterraneous paſſage, which had formerly been contrived for a ſecret outlet from the caſtle, but was now buried in rubbiſh; and Mortimer, without having it in his power to make reſiſtance, was ſuddenly ſeized in an apartment adjoining to the queen's. A parliament was immediately ſummoned for his condemnation. He was accuſed before that aſſembly of having uſurped regal power from the council of regency appointed by parliament; of having procured the death of the late king; of having deceived the earl of Kent into a conſpiracy to reſtore that prince; of having ſolicited and obtained exorbitant grants of the royal demeſnes; of having diſſipated the public treaſure; of ſecreting 20,000 marks of the money paid by the king of Scotland; and of other crimes and miſdemeanors. The parliament condemned him, from the ſuppoſed notoriety of the facts, without trial, or hearing his anſwer, or examining a witneſs; and he was hanged on a gibbet (29th November) at the Elmes, in the neighbourhood of London. It is remarkable that this ſentence was, near twenty years after, reverſed by parliament, in favour of Mortimer's ſon; and the reaſon aſſigned was the illegal manner of proceeding. The principles of law and juſtice were eſtabliſhed in England, not in ſuch a degree as to prevent any iniquitous ſentence againſt a perſon

perſon obnoxious to the ruling party; but ſufficient, on the return of his credit or that of his friends, to ſerve as a reaſon or pretence for its reverſal.

(1331.) Juſtice was alſo executed, by a ſentence of the houſe of peers, on ſome of the inferior criminals, particularly on Simon de Bereford: But the barons in that act of juriſdiction entered a proteſt, that though they had tried Bereford, who was none of their peers, they ſhould not for the future be obliged to receive any ſuch indictment. The queen was confined to her own houſe at Riſings near London: Her revenue was reduced to 4000 pounds a year: And though the king, during the remainder of her life, paid her a decent viſit once or twice a year, ſhe never was able to reinſtate herſelf in any credit or authority.

Edward having now taken the reins of government into his own hands, applied himſelf with induſtry and judgment to redreſs all thoſe grievances which had proceeded either from want of authority in the crown, or from the late abuſes of it. He iſſued writs to the judges, enjoining them to adminiſter juſtice, without paying any regard to arbitrary orders from the miniſters: And as the robbers, thieves, murderers, and criminals of all kinds, had, during the courſe of public convulſions, multiplied to an enormous degree, and were openly protected by the great barons, who made uſe of them againſt their enemies, the king, after exacting from the peers a ſolemn promiſe in parliament that they would break off all connexions with ſuch malefactors, ſet himſelf in earneſt to remedy the evil. Many of theſe gangs had become ſo numerous as to require his own preſence to diſperſe them; and he exerted both courage and induſtry in executing this ſalutary office. The miniſters of juſtice, from his example, employed the utmoſt diligence in diſcovering, purſuing, and puniſhing the criminals; and this diſorder was by degrees corrected, at leaſt palliated; the utmoſt that could be expected with regard to a diſeaſe hitherto inherent in the conſtitution.

In proportion as the government acquired authority at home, it became formidable to the neighbouring nations; and the ambitious ſpirit of Edward ſought, and ſoon found, an opportunity of exerting itſelf. The wiſe and valiant Robert Bruce, who had recovered by arms the independence of his country, and had fixed it by the laſt treaty of peace with England, ſoon after died, and left David his ſon, a minor, under the guardianſhip of Randolf earl of Murray, the companion of all his victories. It had been ſtipulated in this treaty, that both the Scottiſh nobility, who before the commencement of the wars enjoyed lands in England, and the Engliſh who inherited eſtates in Scotland, ſhould be reſtored to their reſpective poſſeſſions: But though this article had been executed pretty regularly on the part of Edward, Robert, who obſerved that the eſtates claimed by Engliſhmen were much more numerous and valuable than the others, either thought it dangerous to admit ſo many ſecret enemies into the kingdom, or found it difficult to wreſt from his own followers the poſſeſſions beſtowed on them as the reward of former ſervices: And he had protracted the performance of his part of the ſtipulation. The Engliſh nobles, diſappointed in their expectations, began to think of a remedy; and as their influence was great in the north, their enmity alone, even though unſupported by the king of England, became dangerous to the minor prince, who ſucceeded to the Scottiſh throne.

(1332.) Edward Baliol, the ſon of that John who was crowned king of Scotland, had been detained ſome time a priſoner in England after his father was releaſed; but having alſo obtained his liberty, he went over to France, and reſided in Normandy, on his patrimonial eſtate in that country, without any thoughts of reviving the claims of his family to the crown of Scotland. His pretenſions, however plauſible, had been ſo ſtrenuouſly abjured by the Scots, and rejected by the Engliſh, that he was univerſally regarded as a private perſon; and he had been thrown into priſon on account of ſome private offence of which he was accuſed. Lord Beau-

Beaumont, a great Engliſh baron, who in the right of his wife claimed the earldom of Buchan in Scotland, found him in this ſituation; and deeming him a proper inſtrument for his purpoſe, made ſuch intereſt with the king of France, who was not aware of the conſequences, that he recovered him his liberty, and brought him over with him to England.

The injured nobles, poſſeſſed of ſuch a head, began to think of vindicating their rights by force of arms; and they applied to Edward for his concurrence and aſſiſtance. But there were ſeveral reaſons which deterred the king from openly avowing their enterpriſe. In his treaty with Scotland he had entered into a bond of 20,000 pounds, payable to the pope, if within four years he violated the peace; and as the term was not yet elapſed, he dreaded the exacting of that penalty by the ſovereign pontiff, who poſſeſſed ſo many means of forcing princes to make payment. He was alſo afraid that violence and injuſtice would every-where be imputed to him, if he attacked with ſuperior force a minor king, and a brother-in-law, whoſe independent title had ſo lately been acknowledged by a ſolemn treaty. And as the regent of Scotland, on every demand which had been made of reſtitution to the Engliſh barons, had always confeſſed the juſtice of their claim, and had only given an evaſive anſwer, grounded on plauſible pretences, Edward reſolved not to proceed by open violence, but to employ like artifices againſt him. He ſecretly encouraged Baliol in his enterpriſe; connived at his aſſembling forces in the north; and gave countenance to the nobles who were diſpoſed to join the attempt. A force of near 2500 men was inliſted under Baliol, by Umfreville earl of Angus, the lords Beaumont, Ferrars, Fitz-warin, Wake, Stafford, Talbot, and Moubray. As theſe adventurers apprehended that the frontiers would be ſtrongly armed and guarded, they reſolved to make their attack by ſea; and having embarked at Ravenſpur, they reached in a few days the coaſt of Fife.

Scotland was at that time in a very different ſituation from that in which it had appeared under the victorious

Robert. Beſides the loſs of that great monarch, whoſe genius and authority preſerved entire the whole political fabric, and maintained an union among the unruly barons, lord Douglas, impatient of reſt, had gone over to Spain, in a cruſade againſt the Moors, and had there periſhed in battle: The earl of Murray, who had long been declining through age and infirmities, had lately died, and had been ſucceeded in the regency by Donald earl of Marre, a man of much inferior talents: The military ſpirit of the Scots, though ſtill unbroken, was left without a proper guidance and direction: And a minor king ſeemed ill qualified to defend an inheritance, which it had required all the conſummate valour and abilities of his father to acquire and maintain. But as the Scots were appriſed of the intended invaſion, great numbers, on the appearance of the Engliſh fleet, immediately ran to the ſhore, in order to prevent the landing of the enemy. Baliol had valour and activity, and he drove back the Scots with conſiderable loſs. He marched weſtward into the heart of the country, flattering himſelf that the ancient partiſans of his family would declare for him. But the fierce animoſities which had been kindled between the two nations, inſpiring the Scots with a ſtrong prejudice againſt a prince ſupported by the Engliſh, he was regarded as a common enemy; and the regent found no difficulty in aſſembling a great army to oppoſe him. It is pretended that Marre had no leſs than 40,000 men under his banners; but the ſame hurry and impatience that made him collect a force, which from its greatneſs was ſo diſproportioned to the occaſion, rendered all his motions unſkilful and imprudent. The river Erne ran between the two armies; and the Scots, confiding in that ſecurity, as well as in their great ſuperiority of numbers, kept no order in their encampment. Baliol paſſed the river in the night-time; attacked the unguarded and undiſciplined Scots (11th Auguſt); threw them into confuſion, which was increaſed by the darkneſs, and by their very numbers to which they truſted; and he beat them off the field with great ſlaughter. But in the morning, when the Scots

Scots were at ſome diſtance, they were aſhamed of having yielded the victory to ſo weak a foe, and they hurried back to recover the honour of the day. Their eager paſſions urged them precipitately to battle, without regard to ſome broken ground which lay between them and the enemy, and which diſordered and confounded their ranks. Baliol ſeized the favourable opportunity, advanced his troops upon them, prevented them from rallying, and anew chaſed them off the field with redoubled ſlaughter. There fell above 12,000 Scots in this action; and among theſe the flower of the nobility; the regent himſelf, the earl of Carric, a natural ſon of their late king, the earls of Athole and Monteith, lord Hay of Errol, conſtable, and the lords Keith and Lindſey. The loſs of the Engliſh ſcarcely exceeded thirty men; a ſtrong proof, among many others, of the miſerable ſtate of military diſcipline in thoſe ages.

Baliol ſoon after made himſelf maſter of Perth; but ſtill was not able to bring over any of the Scots to his party. Patric Dunbar, earl of March, and ſir Archibald Douglas, brother to the lord of that name, appeared at the head of the Scottiſh armies, which amounted ſtill to near 40,000 men, and they propoſed to reduce Baliol and the Engliſh by famine. They blockaded Perth by land; they collected ſome veſſels with which they inveſted it by water: But Baliol's ſhips attacking the Scottiſh fleet gained a complete victory; and opened the communication between Perth and the ſea. The Scotch armies were then obliged to diſband for want of pay and ſubſiſtence: The nation was, in effect, ſubdued by a handful of men: Each nobleman who found himſelf moſt expoſed to danger, ſucceſſively ſubmitted to Baliol: That prince was crowned at Scone (7th September): David, his competitor, was ſent over to France with his betrothed wife, Jane ſiſter to Edward: And the heads of his party ſued to Baliol for a truce, which he granted them, in order to aſſemble a parliament in tranquillity, and have his title recogniſed by the whole Scottiſh nation.

(1333.) But Baliol's imprudence, or his neceſſities, making him diſmiſs the greater part of his Engliſh followers, he was, notwithſtanding the truce, attacked of a ſudden near Annan, by ſir Archibald Douglas, and other chieftains of that party; he was routed; his brother John Baliol was ſlain; he himſelf was chaſed into England in a miſerable condition; and thus loſt his kingdom by a revolution as ſudden as that by which he had acquired it.

While Baliol enjoyed his ſhort-lived and precarious royalty, he had been ſenſible that, without the protection of England, it would be impoſſible for him to maintain poſſeſſion of the throne; and he had ſecretly ſent a meſſage to Edward, offering to acknowledge his ſuperiority, to renew the homage for his crown, and to eſpouſe the princeſs Jane, if the pope's conſent could be obtained for diſſolving her former marriage, which was not yet conſummated. Edward, ambitious of recovering that important conceſſion, made by Mortimer during his minority, threw off all ſcruples, and willingly accepted the offer; but as the dethroning of Baliol had rendered this ſtipulation of no effect, the king prepared to reinſtate him in poſſeſſion of the crown; an enterpriſe which appeared from late experience ſo eaſy and ſo little hazardous. As he poſſeſſed many popular arts, he conſulted his parliament on the occaſion; but that aſſembly finding the reſolution already taken, declined giving any opinion, and only granted him, in order to ſupport the enterpriſe, an aid of a fifteenth from the perſonal eſtates of the nobility and gentry, and a tenth of the moveables of boroughs. And they added a petition, that the king would thenceforth live on his own revenue, without grieving his ſubjects by illegal taxes, or by the outrageous ſeizure of their goods in the ſhape of purveyance.

As the Scots expected that the chief brunt of the war would fall upon Berwic, Douglas, the regent, threw a ſtrong garriſon into that place, under the command of ſir William Keith; and he himſelf aſſembled a great army on the frontiers, ready to penetrate into England,

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as ſoon as Edward ſhould have inveſted that place. The Engliſh army was leſs numerous, but better ſupplied with arms and proviſions, and retained in ſtricter diſcipline; and the king, notwithſtanding the valiant defence made by Keith, had, in two months, reduced the garriſon to extremities, and had obliged them to capitulate: They engaged to ſurrender, if they were not relieved within a few days by their countrymen. This intelligence being conveyed to the Scottiſh army, which was preparing to invade Northumberland, changed their plan of operations, and engaged them to advance towards Berwic, and attempt the relief of that important fortreſs. Douglas, who had ever purpoſed to decline a pitched battle, in which he was ſenſible of the enemy's ſuperiority, and who intended to have drawn out the war by ſmall ſkirmiſhes, and by mutually ravaging each other's country, was forced, by the impatience of his troops, to put the fate of the kingdom upon the event of one day. He attacked the Engliſh at Halidown-hill, a little north of Berwic (19th July); and, though his heavy-armed cavalry diſmounted, in order to render the action more ſteady and deſperate, they were received with ſuch valour by Edward, and were ſo galled by the Engliſh archers, that they were ſoon thrown into diſorder, and, on the fall of Douglas, their general, were totally routed. The whole army fled in confuſion, and the Engliſh, but much more the Iriſh, gave little quarter in the purſuit: All the nobles of chief diſtinction were either ſlain or taken priſoners: Near thirty thouſand of the Scots fell in the action: While the loſs of the Engliſh amounted only to one knight, one eſquire, and thirteen private ſoldiers: An inequality almoſt incredible.

After this fatal blow, the Scottiſh nobles had no other reſource than inſtant ſubmiſſion; and Edward, leaving a conſiderable body with Baliol to complete the conqueſt of the kingdom, returned with the remainder of his army to England. Baliol was acknowledged king in a parliament aſſembled at Edinburgh; the ſuperiority of England was again recogniſed; many of the Scottiſh

nobility ſwore fealty to Edward; and, to complete the misfortunes of that nation, Baliol ceded Berwic, Dunbar, Roxborough, Edinburgh, and all the ſouth-eaſt counties of Scotland, which were declared to be for ever annexed to the Engliſh monarchy.

(1334.) If Baliol, on his firſt appearance, was dreaded by the Scots, as an inſtrument employed by England for the ſubjection of the kingdom, this deed confirmed all their ſuſpicions, and rendered him the object of univerſal hatred. Whatever ſubmiſſions they might be obliged to make, they conſidered him, not as their prince, but as the delegate and confederate of their determined enemy: And neither the manners of the age, nor the ſtate of Edward's revenue, permitting him to maintain a ſtanding army in Scotland, the Engliſh forces were no ſooner withdrawn, than the Scots revolted from Baliol, and returned to their former allegiance under Bruce. Sir Andrew Murray, appointed regent by the party of this latter prince, employed with ſucceſs his valour and activity in many ſmall but deciſive actions againſt Baliol; and in a ſhort time had almoſt wholly expelled him the kingdom. Edward was obliged again (1335) to aſſemble an army, and to march into Scotland: The Scots, taught by experience, withdrew into their hills and faſtneſſes: He deſtroyed the houſes and ravaged the eſtates of thoſe whom he called rebels: But this confirmed them ſtill farther in their obſtinate antipathy to England and to Baliol; and being now rendered deſperate, they were ready to take advantage, on the firſt opportunity, of the retreat of their enemy, and they ſoon reconquered their country from the Engliſh. Edward made anew his appearance in Scotland with like ſucceſs: He found every thing hoſtile in the kingdom, except the ſpot on which he was encamped: And though he marched uncontrolled over the low countries, the nation itſelf was farther than ever from being broken and ſubdued. Beſides being ſupported by their pride and anger, paſſions difficult to tame, they were encouraged, amidſt all their calamities, by daily promiſes of relief from France; and as a war was now likely

likely to break out between that kingdom and England, they had reaſon to expect, from this incident, a great diverſion of that force which had ſo long oppreſſed and overwhelmed them.

(1337.) We now come to a tranſaction, on which depended the moſt memorable events, not only of this long and active reign, but of the whole Engliſh and French hiſtory, during more than a century; and it will therefore be neceſſary to give a particular account of the ſprings and cauſes of it.

It had long been a prevailing opinion, that the crown of France could never deſcend to a female; and, in order to give more authority to this maxim, and aſſign it a determinate origin, it had been uſual to derive it from a clauſe in the Salian Code, the law of an ancient tribe among the Franks; though that clauſe, when ſtrictly examined, carries only the appearance of favouring this principle, and does not really, by the confeſſion of the beſt antiquaries, bear the ſenſe commonly impoſed upon it. But though poſitive law ſeems wanting among the French for the excluſion of females, the practice had taken place; and the rule was eſtabliſhed beyond controverſy on ſome ancient, as well as ſome modern precedents. During the firſt race of the monarchy, the Franks were ſo rude and barbarous a people, that they were incapable of ſubmitting to a female reign; and in that period of their hiſtory there were frequent inſtances of kings advanced to royalty in prejudice to females, who were related to the crown by nearer degrees of conſanguinity. Theſe precedents, joined to like cauſes, had alſo eſtabliſhed the male ſucceſſion in the ſecond race; and though the inſtances were neither ſo frequent nor ſo certain during that period, the principle of excluding the female line ſeems ſtill to have prevailed, and to have directed the conduct of the nation. During the third race, the crown had deſcended from father to ſon for eleven generations, from Hugh Capet to Lewis Hutin; and thus, in fact, during the courſe of nine hundred years, the French monarchy had always been governed by males, and no female, and none who

who founded his title on a female, had ever mounted the throne. Philip the Fair, father of Lewis Hutin, left three ſons, this Lewis, Philip the Long, and Charles the Fair, and one daughter, Iſabella queen of England. Lewis Hutin, the eldeſt, left at his death one daughter, by Margaret ſiſter to Eudes duke of Burgundy; and as his queen was then pregnant, Philip his younger brother was appointed regent, till it ſhould appear whether the child proved a ſon or a daughter. The queen bore a male, who lived only a few days: Philip was proclaimed king: And as the duke of Burgundy made ſome oppoſition, and aſſerted the rights of his niece, the ſtates of the kingdom, by a ſolemn and deliberate decree, gave her an excluſion, and declared all females for ever incapable of ſucceeding to the crown of France. Philip died after a ſhort reign, leaving three daughters; and his brother Charles, without diſpute or controverſy, then ſucceeded to the crown. The reign of Charles was alſo ſhort: He left one daughter; but as his queen was pregnant, the next male heir was appointed regent, with a declared right of ſucceſſion, if the iſſue ſhould prove female. This prince was Philip de Valois, couſin-german to the deceaſed king; being the ſon of Charles de Valois, brother of Philip the Fair. The queen of France was delivered of a daughter: The regency ended; and Philip de Valois was unanimouſly placed on the throne of France.

The king of England, who was at that time a youth of fifteen years of age, embraced a notion that he was intitled, in right of his mother, to the ſucceſſion of the kingdom, and that the claim of the nephew was preferable to that of the couſin-german. There could not well be imagined a notion weaker or worſe grounded. The principle of excluding females was of old an eſtabliſhed opinion in France, and had acquired equal authority with the moſt expreſs and poſitive law: It was ſupported by ancient precedents: It was confirmed by recent inſtances, ſolemnly and deliberately decided: And what placed it ſtill farther beyond controverſy; if Edward was diſpoſed to queſtion its validity, he thereby cut off his own

own pretenſions; ſince the three laſt kings had all left daughters, who were ſtill alive, and who ſtood before him in the order of ſucceſſion. He was therefore reduced to aſſert, that, though his mother Iſabella was, on account of her ſex, incapable of ſucceeding, he himſelf, who inherited through her, was liable to no ſuch objection, and might claim by the right of propinquity. But, beſides that this pretenſion was more favourable to Charles king of Navarre, deſcended from the daughter of Lewis Hutin, it was ſo contrary to the eſtabliſhed principles of ſucceſſion in every country of Europe, was ſo repugnant to the practice, both in private and public inheritances, that nobody in France thought of Edward's claim: Philip's title was univerſally recogniſed: And he never imagined that he had a competitor; much leſs ſo formidable a one as the king of England.

But though the youthful and ambitious mind of Edward had raſhly entertained this notion, he did not think proper to inſiſt on his pretenſions, which muſt have immediately involved him, on very unequal terms, in a dangerous and implacable war with ſo powerful a monarch. Philip was a prince of mature years, of great experience, and, at that time, of an eſtabliſhed character both for prudence and valour; and by theſe circumſtances, as well as by the internal union of his people, and their acquieſcence in his undoubted right, he poſſeſſed every advantage above a raw youth, newly raiſed, by injuſtice and violence, to the government of the moſt intractable and moſt turbulent ſubjects in Europe. But there immediately occurred an incident which required that Edward ſhould either openly declare his pretenſions, or for ever renounce and abjure them. He was ſummoned to do homage for Guienne: Philip was preparing to compel him by force of arms: That country was in a very bad ſtate of defence: And the forfeiture of ſo rich an inheritance was, by the feudal law, the immediate conſequence of his refuſing or declining to perform the duty of a vaſſal. Edward therefore thought it prudent to ſubmit to preſent neceſſity: He went over to Amiens: Did homage to Philip: And as there had ariſen ſome controverſy

troverſy concerning the terms of this ſubmiſſion, he afterwards ſent over a formal deed, in which he acknowledged that he owed liege homage to France; which was in effect ratifying, and that in the ſtrongeſt terms, Philip's title to the crown of that kingdom. His own claim indeed was ſo unreaſonable, and ſo thoroughly diſavowed by the whole French nation, that to inſiſt on it was no better than pretending to the violent conqueſt of the kingdom; and it is probable that he would never have farther thought of it, had it not been for ſome incidents which excited an animoſity between the monarchs.

Robert of Artois was deſcended from the blood royal of France, was a man of great character and authority, had eſpouſed Philip's ſiſter, and, by his birth, talents, and credit, was entitled to make the higheſt figure, and fill the moſt important offices, in the monarchy. This prince had loſt the county of Artois, which he claimed as his birth right, by a ſentence, commonly deemed iniquitous, of Philip the Fair; and he was ſeduced to attempt recovering poſſeſſion by an action ſo unworthy of his rank and character as a forgery. The detection of this crime covered him with ſhame and confuſion: His brother-in-law not only abandoned him, but proſecuted him with violence: Robert, incapable of bearing diſgrace, left the kingdom, and hid himſelf in the Low Countries: Chaſed from that retreat by the authority of Philip, he came over to England; in ſpite of the French king's menaces and remonſtrances, he was favourably received by Edward; and was ſoon admitted into the councils, and ſhared the confidence of that monarch. Abandoning himſelf to all the movements of rage and deſpair, he endeavoured to revive the prepoſſeſſion entertained by Edward in favour of his title to the crown of France, and even flattered him, that it was not impoſſible for a prince of his valour and abilities to render his claim effectual. The king was the more diſpoſed to hearken to ſuggeſtions of this nature, becauſe he had, in ſeveral particulars, found reaſon to complain of Philip's conduct with regard to Guienne, and becauſe that prince had both given protection to the exiled David Bruce, and ſupported, at leaſt encou-

encouraged, the Scots in their ſtruggles for independence. Thus reſentment gradually filled the breaſts of both monarchs, and made them incapable of hearkening to any terms of accommodation propoſed by the pope, who never ceaſed interpoſing his good offices between them. Philip thought that he ſhould be wanting to the firſt principles of policy if he abandoned Scotland: Edward affirmed, that he muſt relinquiſh all pretenſions to generoſity, if he withdrew his protection from Robert. The former, informed of ſome preparations for hoſtilities which had been made by his rival, iſſued a ſentence of felony and attainder againſt Robert, and declared, that every vaſſal of the crown, whether *within* or *without* the kingdom, who gave countenance to that traitor, would be involved in the ſame ſentence; a menace eaſy to be underſtood: The latter, reſolute not to yield, endeavoured to form alliances in the Low Countries and on the frontiers of Germany, the only places from which he either could make an effectual attack upon France, or produce ſuch a diverſion as might ſave the province of Guienne, which lay ſo much expoſed to the power of Philip.

The king began with opening his intentions to the count of Hainault his father-in-law; and having engaged him in his intereſts, he employed the good offices and counſels of that prince in drawing into his alliance the other ſovereigns of that neighbourhood. The duke of Brabant was induced, by his mediation, and by large remittances of money from England, to promiſe his concurrence: The archbiſhop of Cologne, the duke of Guelders, the marquis of Juliers, the count of Namur, the lords of Faquemont and Baquen, were engaged by like motives to embrace the Engliſh alliance. Theſe ſovereign princes could ſupply, either from their own ſtates or from the bordering countries, great numbers of warlike troops; and nought was wanting to make the force on that quarter very formidable but the acceſſion of Flanders; which Edward procured by means ſomewhat extraordinary and unuſual.

As the Flemings were the firſt people in the northern parts of Europe that cultivated arts and manufactures, the

the lower ranks of men among them had riſen to a degree of opulence unknown elſewhere to thoſe of their ſtation in that barbarous age; had acquired privileges and independence; and began to emerge from that ſtate of vaſſalage, or rather of ſlavery, into which the common people had been univerſally thrown by the feudal inſtitutions. It was probably difficult for them to bring their ſovereign and their nobility to conform themſelves to the principles of law and civil government, ſo much neglected in every other country: It was impoſſible for them to confine themſelves within the proper bounds in their oppoſition and reſentment againſt any inſtance of tyranny: They had riſen in tumults: Had inſulted the nobles: Had chaſed their earl into France: And delivering themſelves over to the guidance of a ſeditious leader, had been guilty of all that inſolence and diſorder, to which the thoughtleſs and enraged populace are ſo much inclined, wherever they are unfortunate enough to be their own maſters.

Their preſent leader was James d'Arteville, a brewer in Ghent, who governed them with a more abſolute ſway than had ever been aſſumed by any of their lawful ſovereigns: He placed and diſplaced the magiſtrates at pleaſure: He was accompanied by a guard, who, on the leaſt ſignal from him, inſtantly aſſaſſinated any man that happened to fall under his diſpleaſure: All the cities of Flanders were full of his ſpies; and it was immediate death to give him the ſmalleſt umbrage: The few nobles who remained in the country, lived in continual terror from his violence: He ſeized the eſtates of all thoſe whom he had either baniſhed or murdered; and beſtowing a part on their wives and children, converted the remainder to his own uſe. Such were the firſt effects that Europe ſaw of popular violence; after having groaned, during ſo many ages, under monarchical and ariſtocratical tyranny.

James d'Arteville was the man to whom Edward addreſſed himſelf for bringing over the Flemings to his intereſts; and that prince, the moſt haughty and moſt aſpiring of the age, never courted any ally with ſo much

aſſiduity and ſo many ſubmiſſions, as he employed towards this ſeditious and criminal tradeſman. D'Arteville, proud of theſe advances from the king of England, and ſenſible that the Flemings were naturally inclined to maintain connexions with the Engliſh, who furniſhed them the materials of their woollen manufactures, the chief ſource of their opulence, readily embraced the intereſts of Edward, and invited him over into the Low Countries. Edward, before he entered on this great enterpriſe, affected to conſult his parliament, aſked their advice, and obtained their conſent. And the more to ſtrengthen his hands, he procured from them a grant of 20,000 ſacks of wool; which might amount to about a hundred thouſand pounds: This commodity was a good inſtrument to employ with the Flemings; and the price of it with his German allies. He completed the other neceſſary ſums by loans, by pawning the crown jewels, by confiſcating, or rather robbing at once all the Lombards, who now exerciſed the invidious trade formerly monopoliſed by the Jews, of lending on intereſt; and being attended by a body of Engliſh forces, and by ſeveral of his nobility, he ſailed over to Flanders.

(1338.) The German princes, in order to juſtify their unprovoked hoſtilities againſt France, had required the ſanction of ſome legal authority; and Edward, that he might give them ſatisfaction on this head, had applied to Lewis of Bavaria, then emperor, and had been created by him *vicar of the empire*; an empty title, but which ſeemed to give him a right of commanding the ſervice of the princes of Germany. The Flemings, who were vaſſals of France, pretending like ſcruples with regard to the invaſion of their liege lord; Edward, by the advice of d'Arteville, aſſumed, in his commiſſions, the title of king of France; and, in virtue of this right, claimed their aſſiſtance for dethroning Philip de Valois, the uſurper of his kingdom. This ſtep, which he feared would deſtroy all future amity between the kingdoms, and beget endleſs and implacable jealouſies in France, was not taken by him without much reluctance and heſitation: And not being in itſelf very juſtifiable, it

has in the iſſue been attended with many miſeries to both kingdoms. From this period we may date the commencement of that great animoſity, which the Engliſh nation have ever ſince borne to the French, which has ſo viſible an influence on all future tranſactions, and which has been, and continues to be, the ſpring of many raſh and precipitate reſolutions among them. In all the preceding reigns ſince the Conqueſt, the hoſtilities between the two crowns had been only caſual and temporary; and as they had never been attended with any bloody or dangerous event, the traces of them were eaſily obliterated by the firſt treaty of pacification. The Engliſh nobility and gentry valued themſelves on their French or Norman extraction: They affected to employ the language of that country in all public tranſactions, and even in familiar converſation: And both the Engliſh court and camp being always full of nobles, who came from different provinces of France, the two people were, during ſome centuries, more intermingled together than any two diſtinct nations whom we meet with in hiſtory. But the fatal pretenſions of Edward III. diſſolved all theſe connexions, and left the ſeeds of great animoſity in both countries, eſpecially among the Engliſh. For it is remarkable, that this latter nation, though they were commonly the aggreſſors, and by their ſucceſs and ſituation were enabled to commit the moſt cruel injuries on the other, have always retained a ſtronger tincture of national antipathy; nor is their hatred retaliated on them to an equal degree by the French. That country lies in the middle of Europe, has been ſucceſſively engaged in hoſtilities with all its neighbours, the popular prejudices have been diverted into many channels, and, among a people of ſofter manners, they never roſe to a great height againſt any particular nation.

Philip made great preparations againſt the attack from the Engliſh, and ſuch as ſeemed more than ſufficient to ſecure him from the danger. Beſides the concurrence of all the nobility in his own populous and warlike kingdom, his foreign alliances were both more cordial and more

more powerful than thoſe which were formed by his antagoniſt. The pope, who at this time lived at Avignon, was dependant on France, and being diſguſted at the connexions between Edward and Lewis of Bavaria, whom he had excommunicated, he embraced with zeal and ſincerity the cauſe of the French monarch. The king of Navarre, the duke of Britanny, the count of Bar, were in the ſame intereſts; and on the ſide of Germany, the king Bohemia, the Palatine, the dukes of Lorraine and Auſtria, the biſhop of Liege, the counts of Deuxpont, Vaudemont, and Geneva. The allies of Edward were in themſelves weaker; and having no object but his money, which began to be exhauſted, they were ſlow in their motions and irreſolute in their meaſures. (1339.) The duke of Brabant, the moſt powerful among them, ſeemed even inclined to withdraw himſelf wholly from the alliance; and the king was neceſſitated, both to give the Brabanters new privileges in trade, and to contract his ſon Edward with the daughter of that prince, ere he could bring him to fulfil his engagements. The ſummer was waſted in conferences and negotiations before Edward could take the field; and he was obliged, in order to allure his German allies into his meaſures, to pretend that the firſt attack ſhould be made upon Cambray, a city of the empire which had been garriſoned by Philip. But finding, upon trial, the difficulty of the enterpriſe, he conducted them towards the frontiers of France; and he there ſaw, by a ſenſible proof, the vanity of his expectations: The count of Namur, and even the count of Hainault his brother-in-law (for the old count was dead), refuſed to commence hoſtilities againſt their liege lord, and retired with their troops. So little account did they make of Edward's pretenſions to the crown of France!

The king, however, entered the enemy's country, and encamped on the fields of Vironfoſſe near Capelle, with an army of near 50,000 men, compoſed almoſt entirely of foreigners: Philip approached him with an army of near double the force, compoſed chiefly of native ſubjects; and it was daily expected that a battle would enſue. But

the Engliſh monarch was averſe to engage againſt ſo great a ſuperiority: The French thought it ſufficient if he eluded the attacks of his enemy, without running any unneceſſary hazard. The two armies faced each other for ſome days: Mutual defiances were ſent: And Edward at laſt retired into Flanders, and diſbanded his army.

Such was the fruitleſs and almoſt ridiculous concluſion of Edward's mighty preparations; and, as his meaſures were the moſt prudent that could be embraced in his ſituation, he might learn from experience in what a hopeleſs enterpriſe he was engaged. His expenſes, though they had led to no end, had been conſuming and deſtructive: He had contracted near 300,000 pounds of debt; he had anticipated all his revenue; he had pawned every thing of value which belonged either to himſelf or his queen; he was obliged, in ſome meaſure, even to pawn himſelf to his creditors, by not ſailing to England till he obtained their permiſſion, and by promiſing, on his word of honour, to return in perſon, if he did not remit their money.

But he was a prince of too much ſpirit to be diſcouraged by the firſt difficulties of an undertaking; and he was anxious to retrieve his honour by more ſucceſsful and more gallant enterpriſes. For this purpoſe he had, during the courſe of the campaign, ſent orders to ſummon a parliament by his ſon Edward, whom he had left with the title of guardian, and to demand ſome ſupply in his urgent neceſſities. The barons ſeemed inclined to grant his requeſt; but the knights, who often, at this time, acted as a ſeparate body from the burgeſſes, made ſome ſcruple of taxing the conſtituents without their conſent; and they deſired the guardian to ſummon a new parliament, which might be properly empowered for that purpoſe. The ſituation of the king and parliament was for the time nearly ſimilar to that which they conſtantly fell into about the beginning of the laſt century; and ſimilar conſequences began viſibly to appear. The king, ſenſible of the frequent demands which he ſhould be obliged to make on his people, had been anxious to enſure to his friends a ſeat in the houſe of commons, and

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at his inſtigation the ſheriffs and other placemen had made intereſt to be elected into that aſſembly; an abuſe which the knights deſired the king to correct by the tenor of his writ of ſummons, and which was accordingly remedied. On the other hand, the knights had profeſſedly annexed conditions to their intended grant, and required a conſiderable retrenchment of the royal prerogatives, particularly with regard to purveyance, and the levying of the ancient feudal aids for knighting the king's eldeſt ſon, and marrying his eldeſt daughter. The new parliament called by the guardian retained the ſame free ſpirit; and though they offered a large ſupply of 30,000 ſacks of wool, no buſineſs was concluded; becauſe the conditions which they annexed appeared too high to be compenſated by a temporary conceſſion. But when Edward himſelf came over to England, he ſummoned another parliament, and he had the intereſt to procure a ſupply on more moderate terms. A confirmation of the two charters, and of the privileges of boroughs, a pardon for old debts and treſpaſſes, and a remedy for ſome abuſes in the execution of common law, were the chief conditions inſiſted on; and the king, in return for his conceſſions on theſe heads, obtained from the barons and knights an unuſual grant, for two years, of the ninth ſheaf, lamb, and fleece on their eſtates; and from the burgeſſes a ninth of their moveables at their true value. The whole parliament alſo granted a duty of forty ſhillings on each ſack of wool exported, on each three hundred wool-fells, and on each laſt of leather, for the ſame term of years; but dreading the arbitrary ſpirit of the crown, they expreſly declared that this grant was to continue no longer, and was not to be drawn into precedent. Being ſoon after ſenſible that this ſupply, though conſiderable and very unuſual in that age, would come in ſlowly, and would not anſwer the king's urgent neceſſities, proceeding both from his debts and his preparations for war; they agreed that 20,000 ſacks of wool ſhould immediately be granted him, and their value be deducted from the ninths which were afterwards to be levied.

But there appeared at this time another jealouſy in the parliament, which was very reaſonable, and was founded on a ſentiment that ought to have engaged them rather to check than ſupport the king in all thoſe ambitious projects, ſo little likely to prove ſucceſsful, and ſo dangerous to the nation if they did. Edward, who before the commencement of the former campaign, had in ſeveral commiſſions aſſumed the title of king of France, now more openly in all public deeds gave himſelf that appellation, and always quartered the arms of France with thoſe of England in his ſeals and enſigns. The parliament thought proper to obviate the conſequences of this meaſure, and to declare that they owed him no obedience as king of France, and that the two kingdoms muſt for ever remain diſtinct and independent. They undoubtedly foreſaw that France, if ſubdued, would in the end prove the ſeat of government; and they deemed this previous proteſtation neceſſary, in order to prevent their becoming a province to that monarchy. A frail ſecurity, if the event had really taken place!

(1340.) As Philip was appriſed, from the preparations which were making both in England and the Low Countries, that he muſt expect another invaſion from Edward, he fitted out a great fleet of 400 veſſels, manned with 40,000 men; and he ſtationed them off Sluiſe, with a view of intercepting the king in his paſſage. The Engliſh navy was much inferior in number, conſiſting only of 240 ſail; but whether it were by the ſuperior abilities of Edward, or the greater dexterity of his ſeamen, they gained the wind of the enemy (13th June), and had the ſun in their backs; and with theſe advantages began the action. The battle was fierce and bloody: The Engliſh archers, whoſe force and addreſs were now much celebrated, galled the French on their approach: And when the ſhips grappled together, and the conteſt became more ſteady and furious, the example of the king, and of ſo many gallant nobles who accompanied him, animated to ſuch a degree the ſeamen and ſoldiery, that thay maintained every-where a ſupe-

a ſuperiority over the enemy. The French alſo had been guilty of ſome imprudence in taking their ſtation ſo near the coaſt of Flanders, and chuſing that place for the ſcene of action. The Flemings, deſcrying the battle, hurried out of their harbours, and brought a reinforcement to the Engliſh; which coming unexpectedly, had a greater effect than in proportion to its power and numbers. Two hundred and thirty French ſhips were taken: Thirty thouſand Frenchmen were killed, with two of their admirals: The loſs of the Engliſh was inconſiderable, compared to the greatneſs and importance of the victory. None of Philip's courtiers, it is ſaid, dared to inform him of the event; till his fool or jeſter gave him a hint, by which he diſcovered the loſs that he had ſuſtained.

The luſtre of this great ſucceſs increaſed the king's authority among his allies, who aſſembled their forces with expedition, and joined the Engliſh army. Edward marched to the frontiers of France, at the head above 100,000 men, conſiſting chiefly of foreigners, a more numerous army than either before or ſince has ever been commanded by any king of England. At the ſame time the Flemings, to the number of 50,000 men, marched out under the command of Robert of Artois, and laid ſiege to St. Omer; but this tumultuary army, compoſed entirely of tradeſmen unexperienced in war, was routed by a ſally of the garriſon, and, notwithſtanding the abilities of their leader, was thrown into ſuch a panic, that they were inſtantly diſperſed, and never more appeared in the field. The enterpriſes of Edward, though not attended with ſo inglorious an iſſue, proved equally vain and fruitleſs. The king of France had aſſembled an army more numerous than the Engliſh; was accompanied by all the chief nobility of his kingdom; was attended by many foreign princes, and even by three monarchs, the kings of Bohemia, Scotland, and Navarre: Yet he ſtill adhered to the prudent reſolution of putting nothing to hazard, and after throwing ſtrong garriſons into all the frontier towns, he retired backwards, perſuaded that the enemy, having waſted their

their force in ſome tedious and unſucceſsful enterpriſe, would afford him an eaſy victory.

Tournay was at that time one of the moſt conſiderable cities of Flanders, containing above 60,000 inhabitants of all ages, who were affectionate to the French government; and as the ſecret of Edward's deſigns had not been ſtrictly kept, Philip learned that the Engliſh, in order to gratify their Flemiſh allies, had intended to open the campaign with the ſiege of this place: He took care, therefore, to ſupply it with a garriſon of 14,000 men, commanded by the braveſt nobility of France; and he reaſonably expected that theſe forces, joined to the inhabitants, would be able to defend the city againſt all the efforts of the enemy. Accordingly Edward, when he commenced the ſiege, about the end of July, found every-where an obſtinate reſiſtance: The valour of one ſide was encountered with equal valour by the other: Every aſſault was repulſed, and proved unſucceſsful: And the king was at laſt obliged to turn the ſiege into a blockade, in hopes that the great numbers of the garriſon and citizens, which had enabled them to defend themſelves againſt his attacks, would but expoſe them to be the more eaſily reduced by famine. The count of Eu, who commanded in Tournay, as ſoon as he perceived that the Engliſh had formed this plan of operations, endeavoured to ſave his proviſions, by expelling all the uſeleſs mouths; and the duke of Brabant, who wiſhed no ſucceſs to Edward's enterpriſes, gave every one a free paſſage through his quarters.

After the ſiege had continued ten weeks, the city was reduced to diſtreſs; and Philip, recalling all his ſcattered garriſons, advanced towards the Engliſh camp, at the head of a mighty army, with an intention of ſtill avoiding any deciſive action, but of ſeeking ſome opportunity for throwing relief into the place. Here Edward, irritated with the ſmall progreſs he had hitherto made, and with the diſagreeable proſpect that lay before him, ſent Philip a defiance by a herald; and challenged him to decide their claims for the crown of France,

France, either by ſingle combat, or by an action of a hundred againſt a hundred, or by a general engagement. But Philip replied, that Edward having done homage to him for the dutchy of Guienne, and having ſolemnly acknowledged him for his ſuperior, it by no means became him to ſend a defiance to his liege lord and ſovereign: That he was confident, notwithſtanding all Edward's preparations, and his conjunction with the rebellious Flemings, he himſelf ſhould ſoon be able to chaſe him from the frontiers of France: That as the hoſtilities from England had prevented him from executing his purpoſed cruſade againſt the infidels, he truſted in the aſſiſtance of the Almighty, who would reward his pious intentions, and puniſh the aggreſſor, whoſe ill-grounded claims had rendered them abortive: That Edward propoſed a duel on very unequal terms, and offered to hazard only his own perſon againſt both the kingdom of France, and the perſon of the king: But that if he would increaſe the ſtake, and put alſo the kingdom of England on the iſſue of the duel, he would, notwithſtanding that the terms would ſtill be unequal, very willingly accept of the challenge. It was eaſy to ſee that theſe mutual bravadoes were intended only to dazzle the populace, and that the two kings were too wiſe to think of executing their pretended purpoſe.

While the French and Engliſh armies lay in this ſituation, and a general action was every day expected, Jane, counteſs dowager of Hainault, interpoſed with her good offices, and endeavoured to conciliate peace between the contending monarchs, and to prevent any farther effuſion of blood. This princeſs was mother-in-law to Edward, and ſiſter to Philip; and though ſhe had taken the vows in a convent, and had renounced the world, ſhe left her retreat on this occaſion, and employed all her pious efforts to allay thoſe animoſities which had taken place between perſons ſo nearly related to her and to each other. As Philip had no material claims on his antagoniſt, ſhe found that he hearkened willingly to the propoſals; and even the haughty and ambi-

ambitious Edward, convinced of his fruitleſs attempt, was not averſe to her negotiation. He was ſenſible, from experience, that he had engaged in an enterpriſe which far exceeded his force; and that the power of England was never likely to prevail over that of a ſuperior kingdom, firmly united under an able and prudent monarch. He diſcovered that all the allies whom he could gain by negotiation were at bottom averſe to his enterpriſe; and though they might ſecond it to a certain length, would immediately detach themſelves, and oppoſe its final accompliſhment, if ever they could be brought to think that there was ſeriouſly any danger of it. He even ſaw that their chief purpoſe was to obtain money from him; and as his ſupplies from England came in very ſlowly, and had much diſappointed his expectations, he perceived their growing indifference in his cauſe, and their deſire of embracing all plauſible terms of accommodation. Convinced at laſt that an undertaking muſt be imprudent which could only be ſupported by means ſo unequal to the end, he concluded a truce (3d September), which left both parties in poſſeſſion of their preſent acquiſitions, and ſtopped all farther hoſtilities on the ſide of the Low Countries, Guienne, and Scotland, till midſummer next. A negotiation was ſoon after opened at Arras, under the mediation of the pope's legates; and the truce was attempted to be converted into a ſolid peace. Edward here required that Philip ſhould free Guienne from all claims of ſuperiority, and entirely withdraw his protection from Scotland: But as he ſeemed not anywiſe entitled to make ſuch high demands, either from his paſt ſucceſſes, or future proſpects, they were totally rejected by Philip, who agreed only to a prolongation of the truce.

The king of France ſoon after detached the emperor Lewis from the alliance of England, and engaged him to revoke the title of Imperial Vicar, which he had conferred on Edward. The king's other allies on the frontiers of France, diſappointed in their hopes, gradually withdrew from the confederacy. And Edward himſelf,

ſelf, haraſſed by his numerous and importunate creditors, was obliged to make his eſcape by ſtealth into England.

The unuſual tax of a ninth ſheaf, lamb, and fleece, impoſed by parliament, together with the great want of money, and ſtill more, of credit in England, had rendered the remittances to Flanders extremely backward; nor could it be expected that any expeditious method of collecting an impoſition, which was ſo new in itſelf, and which yielded only a gradual produce, could poſſibly be contrived by the king or his miniſters. And though the parliament, foreſeeing the inconvenience, had granted, as a preſent reſource, 20,000 ſacks of wool, the only Engliſh goods that bore a ſure price in foreign markets, and were the next to ready money; it was impoſſible but the getting poſſeſſion of ſuch a bulky commodity, the gathering of it from different parts of the kingdom, and the diſpoſing of it abroad, muſt take up more time than the urgency of the king's affairs would permit, and muſt occaſion all the diſappointments complained of during the courſe of the campaign. But though nothing had happened which Edward might not reaſonably have foreſeen, he was ſo irritated with the unfortunate iſſue of his military operations, and ſo much vexed and affronted by his foreign creditors, that he was determined to throw the blame ſomewhere off himſelf, and he came in very bad humour into England. He diſcovered his peeviſh diſpoſition by the firſt act which he performed after his arrival: As he landed unexpectedly, he found the Tower negligently guarded; and he immediately committed to priſon the conſtable, and all others who had the charge of that fortreſs, and he treated them with unuſual rigour. His vengeance fell next on the officers of the revenue, the ſheriffs, the collectors of the taxes, the undertakers of all kinds; and beſides diſmiſſing all of them from their employments, he appointed commiſſioners to inquire into their conduct; and theſe men, in order to gratify the king's humour, were ſure not to find any perſon innocent who came before them.

Sir

Sir John St. Paul keeper of the privy ſeal, ſir John Stonore chief juſtice, Andrew Aubrey mayor of London, were diſplaced and impriſoned; as were alſo the biſhop of Chicheſter chancellor, and the biſhop of Litchfield treaſurer. Stratford archbiſhop of Canterbury, to whom the charge of collecting the new taxes had been chiefly entruſted, fell likewiſe under the king's diſpleaſure; but being abſent at the time of Edward's arrival, he eſcaped feeling the immenſe effects of it.

There were ſtrong reaſons which might diſcourage the kings of England in thoſe ages from beſtowing the chief offices of the crown on prelates and other eccleſiaſtical perſons. Theſe men had ſo intrenched themſelves in privileges and immunities, and ſo openly challenged an exemption from all ſecular juriſdiction, that no civil penalty could be inflicted on them for any malverſation in office; and as even treaſon itſelf was declared to be no canonical offence, nor was allowed to be a ſufficient reaſon for deprivation or other ſpiritual cenſures, that order of men had enſured to themſelves an almoſt total impunity, and were not bound by any political law or ſtatute. But, on the other hand, there were many peculiar cauſes which favoured their promotion. Beſides that they poſſeſſed almoſt all the learning of the age, and were beſt qualified for civil employments; the prelates enjoyed equal dignity with the greateſt barons, and gave weight, by their perſonal authority, to the powers entruſted with them: While at the ſame time they did not endanger the crown, by accumulating wealth or influence in their families, and were reſtrained, by the decency of their character, from that open rapine and violence ſo often practiſed by the nobles. Theſe motives had induced Edward, as well as many of his predeceſſors, to entruſt the chief departments of government in the hands of eccleſiaſtics, at the hazard of ſeeing them diſown his authority as ſoon as it was turned againſt them.

(1341.) This was the caſe with archbiſhop Stratford. That prelate, informed of Edward's indignation againſt him, prepared himſelf for the ſtorm; and not content with

with ſtanding upon the defenſive, he reſolved, by beginning the attack, to ſhow the king that he knew the privileges of his character, and had courage to maintain them. He iſſued a general ſentence of excommunication againſt all who on any pretext exerciſed violence on the perſons or goods of clergymen; who infringed thoſe privileges ſecured by the great charter, and by eccleſiaſtical canons; or who accuſed a prelate of treaſon, or any other crime, in order to bring him under the king's diſpleaſure. Even Edward had reaſon to think himſelf ſtruck at by this ſentence; both on account of the impriſonment of the two biſhops and that of other clergymen concerned in levying the taxes, and on account of his ſeizing their lands and moveables, that he might make them anſwerable for any balance which remained in their hands. The clergy, with the primate at their head, were now formed into a regular combination againſt the king; and many calumnies were ſpread againſt him, in order to deprive him of the confidence and affections of his people. It was pretended that he meant to recal the general pardon, and the remiſſion which he had granted of old debts, and to impoſe new and arbitrary taxes without conſent of parliament. The archbiſhop went ſo far, in a letter to the king himſelf, as to tell him that there were two powers by which the world was governed, the holy pontifical apoſtolic dignity, and the royal ſubordinate authority: That of theſe two powers the clerical was evidently the ſupreme; ſince the prieſts were to anſwer at the tribunal of the divine judgment for the conduct of kings themſelves: That the clergy were the ſpiritual fathers of all the faithful, and amongſt others of kings and princes; and were entitled, by a heavenly charter, to direct their wills and actions, and to cenſure their tranſgreſſions: And that prelates had heretofore cited emperors before their tribunal, had ſitten in judgment on their life and behaviour, and had anathematized them for their obſtinate offences. Theſe topics were not well calculated to appeaſe Edward's indignation; and when he called a parliament he ſent not to the primate, as to the

other peers, a ſummons to attend it. Stratford was not diſcouraged at this mark of neglect or anger: He appeared before the gates, arrayed in his pontifical robes, holding the croſier in his hand, and accompanied by a pompous train of prieſts and prelates; and he required admittance as the firſt and higheſt peer in the realm. During two days the king rejected his application: But ſenſible either that this affair might be attended with dangerous conſequences, or that in his impatience he had groundleſsly accuſed the primate of malverſation in his office, which ſeems really to have been the caſe, he at laſt permitted him to take his ſeat, and was reconciled to him.

Edward now found himſelf in a bad ſituation both with his own people and with foreign ſtates; and it required all his genius and capacity to extricate himſelf from ſuch multiplied difficulties and embarraſſments. His unjuſt and exorbitant claims on France and Scotland had engaged him in an implacable war with theſe two kingdoms, his neareſt neighbours: He had loſt almoſt all his foreign alliances by his irregular payments: He was deeply involved in debts, for which he owed a conſuming intereſt: His military operations had vaniſhed into ſmoke; and except his naval victory, none of them had been attended even with glory or renown, either to himſelf or to the nation: The animoſity between him and the clergy was open and declared: The people were diſcontented on account of many arbitrary meaſures in which he had been engaged: And what was more dangerous, the nobility, taking advantage of his preſent neceſſities, were determined to retrench his power, and by encroaching on the ancient prerogatives of the crown, to acquire to themſelves independence and authority. But the aſpiring genius of Edward, which had ſo far tranſported him beyond the bounds of diſcretion, proved at laſt ſufficient to reinſtate him in his former authority, and, finally, to render his reign the moſt triumphant that is to be met with in Engliſh ſtory: Though for the preſent he was obliged, with

ſome

ſome loſs of honour, to yield to the current which bore ſo ſtrongly againſt him.

The parliament framed an act, which was likely to produce conſiderable innovations in the government. They premiſed, that whereas the great charter had, to the manifeſt peril and ſlander of the king, and damage of his people, been violated in many points, particularly by the impriſonment of free men, and the ſeizure of their goods, without ſuit, indictment, or trial, it was neceſſary to confirm it anew, and to oblige all the chief officers of the law, together with the ſteward and chamberlain of the houſehold, the keeper of the privy-ſeal, the controller and treaſurer of the wardrobe, and thoſe who were entruſted with the education of the young prince, to ſwear to the regular obſervance of it. They alſo remarked, that the peers of the realm had formerly been arreſted and impriſoned, and diſpoſſeſſed of their temporalities and lands, and even ſome of them put to death, without judgment or trial; and they therefore enacted that ſuch violences ſhould henceforth ceaſe, and no peer be puniſhed but by the award of his peers *in parliament*. They required, that whenever any of the great offices above mentioned became vacant, the king ſhould fill it by the advice of his council, and the conſent of ſuch barons as ſhould at that time be found to reſide in the neighbourhood of the court. And they enacted, that on the third day of every ſeſſion, the king ſhould reſume into his own hand all theſe offices, except thoſe of juſtices of the two benches, and the barons of exchequer; that the miniſters ſhould for the time be reduced to private perſons; that they ſhould in that condition anſwer before parliament to any accuſation brought againſt them; and that, if they were found anywiſe guilty, they ſhould finally be diſpoſſeſſed of their offices, and more able perſons be ſubſtituted in their place. By theſe laſt regulations the barons approached as near as they durſt to thoſe reſtrictions which had formerly been impoſed on Henry III. and Edward II. and which, from the dangerous conſequences attending them, had become ſo generally odious, that

they did not expect to have either the concurrence of the people in demanding them, or the aſſent of the preſent king in granting them.

In return for theſe important conceſſions, the parliament offered the king a grant of 20,000 ſacks of wool; and his wants were ſo urgent, from the clamours of his creditors, and the demands of his foreign allies, that he was obliged to accept of the ſupply on theſe hard conditions. He ratified this ſtatute in full parliament; but he *ſecretly* entered a proteſt of ſuch a nature as was ſufficient, one ſhould imagine, to deſtroy all future truſt and confidence with his people: He declared that, as ſoon as his convenience permitted, he would, from his own authority, revoke what had been extorted from him *. Accordingly, he was no ſooner poſſeſſed of the parliamentary ſupply, than he iſſued an edict, which contains many extraordinary poſitions and pretenſions. He firſt aſſerts, that that ſtatute had been enacted contrary to law; as if a free legiſlative body could ever do any thing illegal. He next affirms, that as it was hurtful to the prerogatives of the crown, which he had ſworn to defend, he had only diſſembled when he ſeemed to ratify it, but that he had never in his own breaſt given his aſſent to it. He does not pretend that either he or the parliament lay under force; but only that ſome inconvenience would have enſued, had he not ſeemingly affixed his ſanction to that pretended ſtatute. He therefore, with the advice of his council, and of *ſome* earls and barons, abrogates and annuls it; and though he profeſſes himſelf willing and determined to obſerve ſuch articles of it as were formerly law, he declares it to have thenceforth no force or authority. The parliaments that were afterwards aſſembled took no notice of this arbitrary exertion of

* That this proteſt of the king's was *ſecret*, appears evidently, ſince otherwiſe it would have been ridiculous in the parliament to have accepted of his aſſent; Beſides, the king owns that he *diſſembled*, which would not have been the caſe had his proteſt been public.

royal

royal power, which, by a parity of reaſon, left all their laws at the mercy of the king; and, during the courſe of two years, Edward had ſo far re-eſtabliſhed his influence, and freed himſelf from his preſent neceſſities, that he then obtained from his parliament a legal repeal of the obnoxious ſtatute. This tranſaction certainly contains remarkable circumſtances, which diſcover the manners and ſentiments of the age, and may prove what inaccurate work might be expected from ſuch rude hands, when employed in legiſlation, and in rearing the delicate fabric of laws and a conſtitution.

But though Edward had happily recovered his authority at home, which had been impaired by the events of the French war, he had undergone ſo many mortifications from that attempt, and ſaw ſo little proſpect of ſucceſs, that he would probably have dropped his claim, had not a revolution in Britanny opened to him more promiſing views, and given his enterpriſing genius a full opportunity of diſplaying itſelf.

John III. duke of Britanny had, during ſome years, found himſelf declining through age and infirmities; and having no iſſue, he was ſolicitous to prevent thoſe diſorders to which, on the event of his demiſe, a diſputed ſucceſſion might expoſe his ſubjects. His younger brother, the count of Penthievre, had left only one daughter, whom the duke deemed his heir; and as his family had inherited the dutchy by a female ſucceſſion, he thought her title preferable to that of the count of Mountfort, who, being his brother by a ſecond marriage, was the male heir of that principality. He accordingly purpoſed to beſtow his niece in marriage on ſome perſon who might be able to defend her rights; and he caſt his eye on Charles of Blois, nephew of the king of France, by his mother Margaret of Valois, ſiſter to that monarch. But as he both loved his ſubjects, and was beloved by them, he determined not to take this important ſtep without their approbation; and having aſſembled the ſtates of Britanny, he repreſented to them the advantages of that alliance, and the proſpect which it gave of an entire ſettlement of the ſucceſſion.

The Bretons willingly concurred in his choice: The marriage was concluded: All his vaſſals, and among the reſt the count of Mountfort, ſwore fealty to Charles and to his conſort as to their future ſovereigns: And every danger of civil commotions ſeemed to be obviated, as far as human prudence could provide a remedy againſt them.

But on the death of this good prince, the ambition of the count of Mountfort broke through all theſe regulations, and kindled a war, not only dangerous to Britanny, but to a great part of Europe. While Charles of Blois was ſoliciting at the court of France the inveſtitute of the dutchy, Mountfort was active in acquiring immediate poſſeſſion of it; and by force or intrigue he made himſelf maſter of Rennes, Nantz, Breſt, Hennebonne, and all the moſt important fortreſſes, and engaged many conſiderable barons to acknowledge his authority. Senſible that he could expect no favour from Philip, he made a voyage to England, on pretence of ſoliciting his claim to the earldom of Richmond, which had devolved to him by his brother's death; and there, offering to do homage to Edward as king of France, for the dutchy of Britanny, he propoſed a ſtrict alliance for the ſupport of their mutual pretenſions. Edward ſaw immediately the advantages attending this treaty: Mountfort, an active and valiant prince, cloſely united to him by intereſt, opened at once an entrance into the heart of France, and afforded him much more flattering views than his allies on the ſide of Germany and the Low Countries, who had no ſincere attachment to his cauſe, and whoſe progreſs was alſo obſtructed by thoſe numerous fortifications which had been raiſed on that frontier. Robert of Artois was zealous in enforcing theſe conſiderations: The ambitious ſpirit of Edward was little diſpoſed to ſit down under thoſe repulſes which he had received, and which he thought had ſo much impaired his reputation: And it required a very ſhort negotiation to conclude a treaty of alliance between two men who, though their pleas with regard to the preference of male or female ſucceſſion were directly

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EDWARD III. Chap. 15.
The Countess of Mountfort, imploring protection for herself and her infant Son.

Riley, del. Engraved for J. Parsons, 13, Paternoster Row. June 25. 1793. White, sc.

directly oppoſite, were intimately connected by their immediate intereſts.

As this treaty was ſtill a ſecret, Mountfort on his return ventured to appear at Paris, in order to defend his cauſe before the court of peers; but obſerving Philip and his judges to be prepoſſeſſed againſt his title, and dreading their intentions of arreſting him, till he ſhould reſtore what he had ſeized by violence, he ſuddenly made his eſcape; and war immediately commenced between him and Charles of Blois. Philip ſent his eldeſt ſon, the duke of Normandy, with a powerful army, to the aſſiſtance of the latter; and Mountfort, unable to keep the field againſt his rival, remained in the city of Nantz, where he was beſieged. The city was taken by the treachery of the inhabitants; Mountfort fell into the hands of his enemies; was conducted as a priſoner to Paris; and was ſhut up in the tower of the Louvre.

(1342.) This event ſeemed to put an end to the pretenſions of the count of Mountfort; but his affairs were immediately retrieved by an unexpected incident, which inſpired new life and vigour into his party. Jane of Flanders, counteſs of Mountfort, the moſt extraordinary woman of the age, was rouſed, by the captivity of her huſband, from thoſe domeſtic cares to which ſhe had hitherto limited her genius; and ſhe courageouſly undertook to ſupport the falling fortunes of her family. No ſooner did ſhe receive the fatal intelligence, than ſhe aſſembled the inhabitants of Rennes, where ſhe then reſided; and carrying her infant ſon in her arms, deplored to them the calamity of their ſovereign. She recommended to their care the illuſtrious orphan, the ſole male remaining of their ancient princes, who had governed them with ſuch indulgence and lenity, and to whom they had ever profeſſed the moſt zealous attachment. She declared herſelf willing to run all hazards with them in ſo juſt a cauſe; diſcovered the reſources which ſtill remained in the alliance of England; and entreated them to make one effort againſt an uſurper who, being impoſed on them by the arms of France, would

would in return make a ſacrifice to his protector of the ancient liberties of Britanny. The audience, moved by the affecting appearance, and inſpirited by the noble conduct of the princeſs, vowed to live and die with her in defending the rights of her family: All the other fortreſſes of Britanny embraced the ſame reſolution: The counteſs went from place to place, encourging the garriſons, providing them with every thing neceſſary for ſubſiſtence, and concerting the proper plans of defence; and after ſhe had put the whole province in a good poſture, ſhe ſhut herſelf up in Hennebonne, where ſhe waited with impatience the arrival of thoſe ſuccours which Edward had promiſed her. Meanwhile ſhe ſent over her ſon to England, that ſhe might both put him in a place of ſafety, and engage the king more ſtrongly, by ſuch a pledge, to embrace with zeal the intereſts of her family.

Charles of Blois, anxious to make himſelf maſter of ſo important a fortreſs as Hennebonne, and ſtill more to take the counteſs priſoner, from whoſe vigour and capacity all the difficulties to his ſucceſſion in Britanny now proceeded, ſat down before the place with a great army, compoſed of French, Spaniards, Genoeſe, and ſome Bretons; and he conducted the attack with indefatigable induſtry. The defence was no leſs vigorous: The beſiegers were repulſed in every aſſault: Frequent ſallies were made with ſucceſs by the garriſon: And the counteſs herſelf being the moſt forward in all military operations, every one was aſhamed not to exert himſelf to the utmoſt in this deſperate ſituation. One day ſhe perceived that the beſiegers, entirely occupied in an attack, had neglected a diſtant quarter of their camp; and ſhe immediately ſallied forth at the head of a body of 200 cavalry, threw them into confuſion, did great execution upon them, and ſet fire to their tents, baggage, and magazines: But when ſhe was preparing to return, ſhe found that ſhe was intercepted, and that a conſiderable body of the enemy had thrown themſelves between her and the gates. She inſtantly took her reſolution: She ordered her men to diſband, and to make

make the beſt of their way by flight to Breſt: She met them at the appointed place of rendezvous, collected another body of 500 horſe, returned to Hennebonne, broke unexpectedly through the enemy's camp, and was received with ſhouts and acclamations by the garriſon, who, encouraged by this reinforcement, and by ſo rare an example of female valour, determined to defend themſelves to the laſt extremity.

The reiterated attacks, however, of the beſiegers had at length made ſeveral breaches in the walls; and it was apprehended that a general aſſault, which was every hour expected, would overpower the garriſon, diminiſhed in numbers, and extremely weakened with watching and fatigue. It became neceſſary to treat of a capitulation; and the biſhop of Leon was already engaged for that purpoſe, in a conference with Charles of Blois; when the counteſs, who had mounted to a high tower, and was looking towards the ſea with great impatience, deſcried ſome ſails at a diſtance. She immediately exclaimed: *Behold the ſuccours! the Engliſh ſuccours! No capitulation!* This fleet had on board a body of heavy-armed cavalry, and ſix thouſand archers, whom Edward had prepared for the relief of Hennebonne, but who had been long detained by contrary winds. They entered the harbour under the command of ſir Walter Manny, one of the braveſt captains of England; and having inſpired freſh courage into the garriſon, immediately ſallied forth, beat the beſiegers from all their poſts, and obliged them to decamp.

But notwithſtanding this ſucceſs, the counteſs of Mountfort found that her party, overpowered by numbers, was declining in every quarter; and ſhe went over to ſolicit more effectual ſuccours from the king of England. Edward granted her a conſiderable reinforcement under Robert of Artois; who embarked on board a fleet of forty-five ſhips, and ſailed to Britanny. He was met in his paſſage by the enemy; an action enſued, where the counteſs behaved with her wonted valour, and charged the enemy ſword in hand; but the hoſtile fleets, after a ſharp action, were ſeparated by a ſtorm, and the

the Engliſh arrived ſafely in Britanny. The firſt exploit of Robert was the taking of Vannes, which he maſtered by conduct and addreſs: But he ſurvived a very little time this proſperity. The Breton noblemen of the party of Charles aſſembled ſecretly in arms, attacked Vannes of a ſudden, and carried the place; chiefly by reaſon of a wound received by Robert, of which he ſoon after died at ſea on his return to England.

After the death of this unfortunate prince, the chief author of all the calamities with which his country was overwhelmed for more than a century, Edward undertook in perſon the defence of the counteſs of Mountfort; and as the laſt truce with France was now expired, the war, which the Engliſh and French had hitherto carried on as allies to the competitors for Britanny, was thenceforth conducted in the name and under the ſtandard of the two monarchs. The king landed at Morbian, near Vannes, with an army of 12,000 men; and, being maſter of the field, he endeavoured to give a luſtre to his arms, by commencing at once three important ſieges, that of Vannes, of Rennes, and of Nantz. But by undertaking too much, he failed of ſucceſs in all his enterpriſes. Even the ſiege of Vannes, which Edward in perſon conducted with vigour, advanced but ſlowly; and the French had all the leiſure requiſite for making preparations againſt him. The duke of Normandy, eldeſt ſon of Philip, appeared in Britanny, at the head of an army of 30,000 infantry and 4000 cavalry; and Edward was now obliged to draw together all his forces, and to entrench himſelf ſtrongly before Vannes, where the duke of Normandy ſoon after arrived, and in a manner inveſted the beſiegers. The garriſon and the French camp were plentifully ſupplied with proviſions; while the Engliſh, who durſt not make any attempt upon the place in the preſenee of a ſuperior army, drew all their ſubſiſtence from England, expoſed to the hazards of the ſea, and ſometimes to thoſe which aroſe from the fleet of the enemy. (1343.) In this dangerous ſituation, Edward willingly hearkened to the mediation of the pope's legates, the cardinals of Paleſtine and Freſcati, who endeavoured

deavoured to negotiate, if not a peace, at leaſt a truce, between the two kingdoms. A treaty was concluded for a ceſſation of arms during three years; and Edward had the abilities, notwithſtanding his preſent dangerous ſituation, to procure to himſelf very equal and honourable terms. It was agreed that Vannes ſhould be ſequeſtered during the truce, in the hands of the legates, to be diſpoſed of afterwards as they pleaſed; and though Edward knew the partiality of the court of Rome towards his antagoniſts, he ſaved himſelf, by this device, from the diſhonour of having undertaken a fruitleſs enterpriſe. It was alſo ſtipulated, that all priſoners ſhould be releaſed, that the places in Britanny ſhould remain in the hands of the preſent poſſeſſors, and that the allies on both ſides ſhould be comprehended in the truce. Edward, ſoon after concluding this treaty, embarked with his army for England.

The truce, though calculated for a long time, was of very ſhort duration; and each monarch endeavoured to throw on the other the blame of its infraction. Of courſe the hiſtorians of the two countries differ in their account of the matter. It ſeems probable, however, as is affirmed by the French writers, that Edward, in conſenting to the truce, had no other view than to extricate himſelf from a perilous ſituation into which he had fallen, and was afterwards very careleſs in obſerving it. In all the memorials which remain on this ſubject, he complains chiefly of the puniſhment inflicted on Oliver de Cliſſon, John de Montauban, and other Breton noblemen, who he ſays were partiſans of the family of Mountfort, and conſequently under the protection of England. But it appears that, at the concluſion of the truce, theſe noblemen had openly, by their declarations and actions, embraced the cauſe of Charles of Blois; and if they had entered into any ſecret correſpondence and engagements with Edward, they were traitors to their party, and were juſtly puniſhable by Philip and Charles for their breach of faith; nor had Edward any ground of complaint againſt France for ſuch ſeverities. But when he laid theſe pretended injuries before the parliament

liament (1344), whom he affected to conſult on all occaſions, that aſſembly entered into the quarrel, adviſed the king not to be amuſed by a fraudulent truce, and granted him ſupplies for the renewal of the war: The counties were charged with a fifteenth for two years, and the boroughs with a tenth. The clergy conſented to give a tenth for three years.

Theſe ſupplies enabled the king to complete his military preparations; and he ſent his couſin, Henry earl of Derby, ſon of the earl of Lancaſter, into Guienne, for the defence of that province. This prince, the moſt accompliſhed in the Engliſh court, poſſeſſed to a high degree the virtues of juſtice and humanity, as well as thoſe of valour and conduct *; and not content with protecting and cheriſhing the province committed to his care, he made a ſucceſsful invaſion on the enemy. He attacked the count of Liſle, the French general, at Bergerac, beat him from his entrenchments, and took the place. He reduced a great part of Perigord, and continually advanced in his conqueſts, till the count of Liſle, having collected an army of ten or twelve thouſand men, ſat down before Arberoche (1345), in hopes of recovering that place, which had fallen into the hands of the Engliſh. The earl of Derby came upon him by ſurpriſe, with only a thouſand cavalry, threw the French into diſorder, puſhed his advantages, and obtained a complete victory. Liſle himſelf, with many conſiderable nobles, was taken priſoner. After this important ſucceſs, Derby made a rapid progreſs in ſubduing the French provinces. He took Monſegur, Monſepat, Villefranche, Miremont, and Tonnins, with the fortreſs

* It is reported of this prince, that having once, before the attack of a town, promiſed the ſoldiers the plunder, one private man happened to fall upon a great cheſt full of money, which he immediately brought to the earl, as thinking it too great for himſelf to keep poſſeſſion of it. But Derby told him that his promiſe did not depend on the greatneſs or ſmallneſs of the ſum; and ordered him to keep it all for his own uſe.

of

of Damaſſen. Aiguillon, a fortreſs deemed impregnable, fell into his hands from the cowardice of the governor. Angouleme was ſurrendered after a ſhort ſiege. The only place where he met with conſiderable reſiſtance was Reole, which, however, was at laſt reduced, after a ſiege of about nine weeks. He made an attempt on Blaye, but thought it more prudent to raiſe the ſiege, than waſte his time before a place of ſmall importance.

(1346.) The reaſon why Derby was permitted to make, without oppoſition, ſuch progreſs on the ſide of Guienne, was the difficulties under which the French finances then laboured, and which had obliged Philip to lay on new impoſitions, particularly the duty on ſalt, to the great diſcontent, and almoſt mutiny, of his ſubjects. But after the court of France was ſupplied with money, great preparations were made; and the duke of Normandy, attended by the duke of Burgundy and other great nobility, led towards Guienne a powerful army, which the Engliſh could not think of reſiſting in the open field. The earl of Derby ſtood on the defenſive, and allowed the French to carry on, at leiſure, the ſiege of Angouleme, which was their firſt enterpriſe. John lord Norwich, the governor, after a brave and vigorous defence, found himſelf reduced to ſuch extremities, as obliged him to employ a ſtratagem, in order to ſave his garriſon, and to prevent his being reduced to ſurrender at diſcretion. He appeared on the walls, and deſired a parley with the duke of Normandy. The prince there told Norwich, that he ſuppoſed he intended to capitulate. "Not at all," replied the governor: "But "as to-morrow is the feaſt of the Virgin, to whom I "know that you, Sir, as well as myſelf, bear a great "devotion, I deſire a ceſſation of arms for that day." The propoſal was agreed to; and Norwich, having ordered his forces to prepare all their baggage, marched out next day, and advanced towards the French camp. The beſiegers, imagining they were to be attacked, ran to their arms; but Norwich ſent a meſſenger to the duke, reminding him of his engagement. The duke, who piqued himſelf on faithfully keeping his word, exclaim-

ed, *I ſee the governor has outwitted me: But let us be content with gaining the place:* And the Engliſh were allowed to paſs through the camp unmoleſted. After ſome other ſucceſſes, the duke of Normandy laid ſiege to Aiguillon; and as the natural ſtrength of the fortreſs, together with a brave garriſon under the command of the earl of Pembroke and ſir Walter Manny, rendered it impoſſible to take the place by aſſault, he purpoſed, after making ſeveral fruitleſs attacks, to reduce it by famine: But, before he could finiſh this enterpriſe, he was called to another quarter of the kingdom, by one of the greateſt diſaſters that ever befel the French monarchy.

Edward, informed by the earl of Derby of the great danger to which Guienne was expoſed, had prepared a force with which he intended, in perſon, to bring it relief. He embarked at Southampton, on board a fleet of near a thouſand ſail of all dimenſions; and carried with him, beſides all the chief nobility of England, his eldeſt ſon, the prince of Wales, now fifteen years of age. The winds proved long contrary; and the king, in deſpair of arriving in time in Guienne, was at laſt perſuaded by Geoffrey d'Harcourt, to change the deſtination of his enterpriſe. This nobleman was a Norman by birth, had long made a conſiderable figure in the court of France, and was generally eſteemed for his perſonal merit and his valour; but being diſobliged and perſecuted by Philip, he had fled into England; had recommended himſelf to Edward, who was an excellent judge of men; and had ſucceeded to Robert of Artois in the invidious office of exciting and aſſiſting the king in every enterpriſe againſt his native country. He had long inſiſted, that an expedition to Normandy promiſed, in the preſent circumſtances, more favourable ſucceſs than one to Guienne; that Edward would find the northern provinces almoſt deſtitute of military force, which had been drawn to the ſouth; that they were full of flouriſhing cities, whoſe plunder would enrich the Engliſh; that their cultivated fields, as yet unſpoiled by war, would ſupply them with plenty of proviſions;

and that the neighbourhood of the capital rendered every event of importance in thoſe quarters. Theſe reaſons, which had not before been duly weighed by Edward, began to make more impreſſion, after the diſappointments which he met with in his voyage to Guienne: He ordered his fleet to ſail to Normandy (12th July), and ſafely diſembarked his army at la Hogue.

This army, which during the courſe of the enſuing campaign was crowned with the moſt ſplendid ſucceſs, conſiſted of four thouſand men at arms, ten thouſand archers, ten thouſand Welſh infantry, and ſix thouſand Iriſh. The Welſh and the Iriſh were light diſorderly troops, fitter for doing execution in a purſuit, or ſcouring the country, than for any ſtable action. The bow was always eſteemed a frivolous weapon, where true military diſcipline was known, and regular bodies of well-armed foot maintained. The only ſolid force in this army were the men at arms; and even theſe, being cavalry, were on that account much inferior, in the ſhock of battle, to good infantry: And as the whole were new-levied troops, we are led to entertain a very mean idea of the military force of thoſe ages, which, being ignorant of every other art, had not properly cultivated the art of war itſelf, the ſole object of general attention.

The king created the earl of Arundel conſtable of his army, and the earls of Warwic and Harcourt mareſchals: He beſtowed the honour of knighthood on the prince of Wales and ſeveral of the young nobility immediately upon his landing. After deſtroying all the ſhips in la Hogue, Barfleur, and Cherbourg, he ſpread his army over the whole country, and gave them an unbounded licenſe of burning, ſpoiling, and plundering every place of which they became maſters. The looſe diſcipline then prevalent could not be much hurt by theſe diſorderly practices; and Edward took care to prevent any ſurpriſe, by giving orders to his troops, however they might diſperſe themſelves in the day-time, always to quarter themſelves at night near the main body. In this manner Montebourg, Carentan, St. Lo, Valognes,

and other places in the Cotentin, were pillaged without reſiſtance; and an univerſal conſternation was ſpread over the province.

The intelligence of this unexpected invaſion ſoon reached Paris; and threw Philip into great perplexity. He iſſued orders, however, for levying forces in all quarters, and deſpatched the count of Eu, conſtable of France, and the count of Tancarville, with a body of troops, to the defence of Caën, a populous and commercial, but open city, which lay in the neighbourhood of the Engliſh army. The temptation of ſo rich a prize ſoon allured Edward to approach it; and the inhabitants, encouraged by their numbers, and by the reinforcements which they daily received from the country, ventured to meet him in the field. But their courage failed them on the firſt ſhock: They fled with precipitation: The counts of Eu and Tancarville were taken priſoners: The victors entered the city along with the vanquiſhed, and a furious maſſacre commenced, without diſtinction of age, ſex, or condition. The citizens, in deſpair, barricadoed their houſes, and aſſaulted the Engliſh with ſtones, bricks, and every miſſile weapon: The Engliſh made way by fire to the deſtruction of the citizens: Till Edward, anxious to ſave both his ſpoil and his ſoldiers, ſtopped the maſſacre; and having obliged the inhabitants to lay down their arms, gave his troops licenſe to begin a more regular and leſs hazardous plunder of the city. The pillage continued for three days: The king reſerved for his own ſhare the jewels, plate, ſilks, fine cloth, and fine linen; and he beſtowed all the remainder of the ſpoil on his army. The whole was embarked on board the ſhips, and ſent over to England; together with three hundred of the richeſt citizens of Caën, whoſe ranſom was an additional profit, which he expected afterwards to levy. This diſmal ſcene paſſed in the preſence of two cardinal legates, who had come to negotiate a peace between the kingdoms.

The king moved next to Roüen, in hopes of treating that city in the ſame manner; but found that the bridge over

over the Seine was already broken down, and that the king of France himſelf was arrived there with his army. He marched along the banks of that river toward Paris, deſtroying the whole country, and every town and village which he met with on his road. Some of his light troops carried their ravages even to the gates of Paris; and the royal palace of St. Germans, together with Nanterre, Ruelle, and other villages, was reduced to aſhes within ſight of the capital. The Engliſh intended to paſs the river at Poiſſy, but found the French army encamped on the oppoſite banks, and the bridge at that place, as well as all others over the Seine, broken down by orders from Philip. Edward now ſaw that the French meant to incloſe him in their country, in hopes of attacking him with advantage on all ſides: But he ſaved himſelf by a ſtratagem from this perilous ſituation. He gave his army orders to diſlodge, and to advance farther up the Seine; but immediately returning by the ſame road, he arrived at Poiſſy, which the enemy had already quitted in order to attend his motions. He repaired the bridge with incredible celerity, paſſed over his army, and having thus diſengaged himſelf from the enemy, advanced by quick marches towards Flanders. His vanguard, commanded by Harcourt, met with the townſmen of Amiens, who were haſtening to reinforce their king, and defeated them with great ſlaughter: He paſſed by Beauvois, and burned the ſuburbs of that city: But as he approached the Somme, he found himſelf in the ſame difficulty as before: All the bridges on that river were either broken down, or ſtrongly guarded: An army, under the command of Godemar de Faye, was ſtationed on the oppoſite banks: Philip was advancing on him from the other quarter, with an army of an hundred thouſand men: And he was thus expoſed to the danger of being incloſed, and of ſtarving in an enemy's country. In this extremity he publiſhed a reward to any one that ſhould bring him intelligence of a paſſage over the Somme. A peaſant, called Gobin Agace, whoſe name has been preſerved by the ſhare which he had in theſe important tranſactions,

was tempted on this occaſion to betray the intereſts of his country; and he informed Edward of a ford below Abbeville which had a ſound bottom, and might be paſſed without difficulty at low water. The king haſtened thither, but found Godemar de Faye on the oppoſite banks. Being urged by neceſſity, he deliberated not a moment; but threw himſelf into the river, ſword in hand, at the head of his troops; drove the enemy from their ſtation; and purſued them to a diſtance on the plain. The French army under Philip arrived at the ford when the rear-guard of the Engliſh were paſſing. So narrow was the eſcape which Edward, by his prudence and celerity, made from this danger! The riſing of the tide prevented the French king from following him over the ford, and obliged that prince to take his route over the bridge at Abbeville; by which ſome time was loſt.

It is natural to think that Philip, at the head of ſo vaſt an army, was impatient to take revenge on the Engliſh, and to prevent the diſgrace to which he muſt be expoſed if an inferior enemy ſhould be allowed, after ravaging ſo great a part of his kingdom, to eſcape with impunity. Edward alſo was ſenſible that ſuch muſt be the object of the French monarch; and, as he had advanced but a little way before his enemy, he ſaw the danger of precipitating his march over the plains of Picardy, and of expoſing his rear to the inſults of the numerous cavalry, in which the French camp abounded. He took, therefore, a prudent reſolution: He choſe his ground with advantage, near the village of Crecy (25th Auguſt); he diſpoſed his army in excellent order; he determined to await in tranquillity the arrival of the enemy; and he hoped that their eagerneſs to engage and to prevent his retreat, after all their paſt diſappointments, would hurry them on to ſome raſh and ill-concerted action. He drew up his army on a gentle aſcent, and divided them into three lines: The firſt was commanded by the prince of Wales, and under him, by the earls of Warwic and Oxford, by Harcourt, and by the lords Chandos, Holland, and other noble-

noblemen: The earls of Arundel and Northampton, with the lords Willoughby, Baſſet, Roos, and ſir Lewis Tufton, were at the head of the ſecond line: He took to himſelf the command of the third diviſion, by which he purpoſed either to bring ſuccour to the two firſt lines, or to ſecure a retreat in caſe of any misfortune, or to puſh his advantages againſt the enemy. He had likewiſe the precaution to throw up trenches on his flanks, in order to ſecure himſelf from the numerous bodies of the French, who might aſſail him from that quarter; and he placed all his baggage behind him in a wood, which he alſo ſecured by an intrenchment.

The ſkill and order of this diſpoſition, with the tranquillity in which it was made, ſerved extremely to compoſe the minds of the ſoldiers; and the king, that he might farther inſpirit them, rode through the ranks with ſuch an air of cheerfulneſs and alacrity, as conveyed the higheſt confidence into every beholder. He pointed out to them the neceſſity to which they were reduced, and the certain and inevitable deſtruction which awaited them, if in their preſent ſituation, encloſed on all hands in an enemy's country, they truſted to any thing but their own valour, or gave that enemy an opportunity of taking revenge for the many inſults and indignities which they had of late put upon him. He reminded them of the viſible aſcendant which they had hitherto maintained over all the bodies of French troops that had fallen in their way; and aſſured them, that the ſuperior numbers of the army which at preſent hovered over them, gave them not greater force, but was an advantage eaſily compenſated by the order in which he had placed his own army, and the reſolution which he expected from them. He demanded nothing, he ſaid, but that they would imitate his own example, and that of the prince of Wales; and as the honour, the lives, the liberties of all were now expoſed to the ſame danger, he was confident that they would make one common effort to extricate themſelves from the preſent difficulties, and that their united courage would give them the victory over all their enemies.

It is related by ſome hiſtorians, that Edward, beſides the reſources which he found in his own genius and preſence of mind, employed alſo a new invention againſt the enemy, and placed in his front ſome pieces of artillery, the firſt that had yet been made uſe of on any remarkable occaſion in Europe. This is the epoch of one of the moſt ſingular diſcoveries that has been made among men; a diſcovery which changed by degrees the whole art of war, and by conſequence many circumſtances in the political government of Europe. But the ignorance of that age in the mechanical arts rendered the progreſs of this new invention very ſlow. The artillery firſt framed were ſo clumſy, and of ſuch difficult management, that men were not immediately ſenſible of their uſe and efficacy: And even to the preſent times, improvements have been continually making on this furious engine, which, though it ſeemed contrived for the deſtruction of mankind, and the overthrow of empires, has in the iſſue rendered battles leſs bloody, and has given greater ſtability to civil ſocieties. Nations by its means have been brought more to a level: Conqueſts have become leſs frequent and rapid: Succeſs in war has been reduced nearly to be a matter of calculation: And any nation overmatched by its enemies, either yields to their demands, or ſecures itſelf by alliances againſt their violence and invaſion.

The invention of artillery was at this time known in France as well as in England; but Philip, in his hurry to overtake the enemy, had probably left his cannon behind him, which he regarded as a uſeleſs incumbrance. All his other movements diſcovered the ſame imprudence and precipitation. Impelled by anger, a dangerous counſellor, and truſting to the great ſuperiority of his numbers, he thought that all depended on forcing an engagement with the Engliſh; and that, if he could once reach the enemy in their retreat, the victory on his ſide was certain and inevitable. He made a haſty march, in ſome confuſion, from Abbeville; but after he had advanced above two leagues, ſome gentlemen, whom he had ſent before to take a view of the enemy, returned

returned to him, and brought him intelligence, that they had ſeen the Engliſh drawn up in great order, and awaiting his arrival. They therefore adviſed him to defer the combat till the enſuing day, when his army would have recovered from their fatigue, and might be diſpoſed into better order than their preſent hurry had permitted them to obſerve. Philip aſſented to this counſel; but the former precipitation of his march, and the impatience of the French nobility, made it impracticable for him to put it in execution. One diviſion preſſed upon another: Orders to ſtop were not ſeaſonably conveyed to all of them: This immenſe body was not governed by ſufficient diſcipline to be manageable: And the French army, imperfectly formed into three lines, arrived, already fatigued and diſordered, in preſence of the enemy. The firſt line, conſiſting of 15,000 Genoeſe croſs-bow men, was commanded by Anthony Doria and Charles Grimaldi: The ſecond was led by the count of Alençon brother to the king: The king himſelf was at the head of the third. Beſides the French monarch, there were no leſs than three crowned heads in this engagement: The king of Bohemia, the king of the Romans, his ſon, and the king of Majorca; with all the nobility and great vaſſals of the crown of France. The army now conſiſted of above 120,000 men, more than three times the number of the enemy. But the prudence of one man was ſuperior to the advantage of all this force and ſplendour.

The Engliſh, on the approach of the enemy, kept their ranks firm and immoveable; and the Genoeſe firſt began the attack. There had happened, a little before the engagement, a thunder ſhower, which had moiſtened and relaxed the ſtrings of the Genoeſe croſs-bows; their arrows, for this reaſon, fell ſhort of the enemy. The Engliſh archers, taking their bows out of their caſes, poured in a ſhower of arrows upon this multitude who were oppoſed to them, and ſoon threw them into diſorder. The Genoeſe fell back upon the heavy-armed cavalry of the count of Alençon; who, enraged at their cowardice, ordered his troops to put them to the ſword.

ſword. The artillery fired amidſt the crowd; the Engliſh archers continued to ſend in their arrows among them; and nothing was to be ſeen in that vaſt body but hurry and confuſion, terror and diſmay. The young prince of Wales had the preſence of mind to take advantage of this ſituation, and to lead on his line to the charge. The French cavalry, however, recovering ſomewhat their order, and encouraged by the example of their leader, made a ſtout reſiſtance; and having at laſt cleared themſelves of the Genoeſe runaways, advanced upon their enemies, and by their ſuperior numbers began to hem them round. The earls of Arundel and Northampton now advanced their line to ſuſtain the prince, who, ardent in his firſt feats of arms, ſet an example of valour which was imitated by all his followers. The battle became, for ſome time, hot and dangerous; and the earl of Warwic, apprehenſive of the event from the ſuperior numbers of the French, deſpatched a meſſenger to the king, and entreated him to ſend ſuccours to the relief of the prince. Edward had choſen his ſtation on the top of the hill; and he ſurveyed in tranquillity the ſcene of action. When the meſſenger accoſted him, his firſt queſtion was, whether the prince were ſlain or wounded? On receiving an anſwer in the negative, *Return*, ſaid he, *to my ſon, and tell him that I reſerve the honour of the day to him: I am confident that he will ſhew himſelf worthy of the honour of knighthood which I ſo lately conferred upon him: He will be able, without my aſſiſtance, to repel the enemy.* This ſpeech being reported to the prince and his attendants, inſpired them with freſh courage: They made an attack with redoubled vigour on the French, in which the count of Alençon was ſlain: That whole line of cavalry was thrown into diſorder: The riders were killed, or diſmounted: The Welſh infantry ruſhed into the throng, and with their long knives cut the throats of all who had fallen; nor was any quarter given that day by the victors.

The king of France advanced in vain with the rear to ſuſtain the line commanded by his brother: He found them

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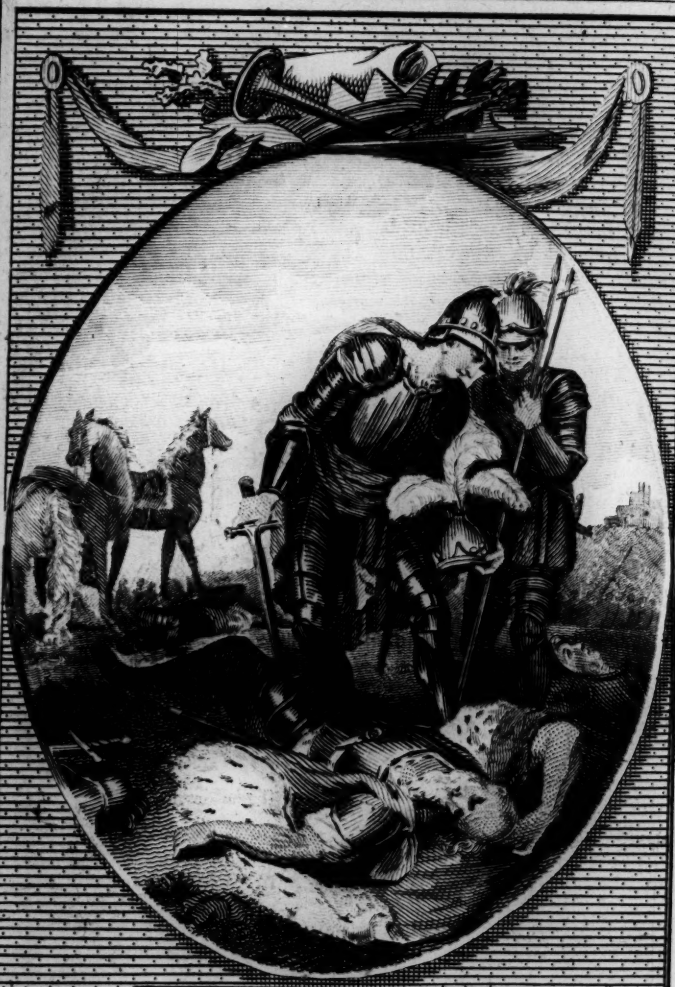

EDWARD III. Chap. 15.
Death of the King of Bohemia,
at the Battle of Crecy.

Bilcy del. Engraved for J. Parsons, 21, Paternoster Row. June 8. 795. White sculp.

them already diſcomfited; and the example of their rout increaſed the confuſion which was before but too prevalent in his own body. He had himſelf a horſe killed under him: He was remounted; and though left almoſt alone, he ſeemed ſtill determined to maintain the combat; when John of Hainault ſeized the reins of his bridle, turned about his horſe, and carried him off the field of battle. The whole French army took to flight, and was followed and put to the ſword, without mercy, by the enemy; till the darkneſs of the night put an end to the purſuit. The king, on his return to the camp, flew into the arms of the prince of Wales, and exclaimed, *My brave ſon! perſevere in your honourable cauſe: You are my ſon; for valiantly have you acquitted yourſelf to-day: You have ſhewn yourſelf worthy of empire.*

This battle, which is known by the name of the battle of Crecy, began after three o'clock in the afternoon, and continued till evening. The next morning was foggy; and as the Engliſh obſerved that many of the enemy had loſt their way in the night and in the miſt, they employed a ſtratagem to bring them into their power: They erected on the eminences ſome French ſtandards which they had taken in the battle; and all who were allured by this falſe ſignal were put to the ſword, and no quarter given them. In excuſe for this inhumanity, it was alleged that the French king had given like orders to his troops; but the real reaſon probably was, that the Engliſh, in their preſent ſituation, did not chuſe to be encumbered with priſoners. On the day of battle, and on the enſuing, there fell, by a moderate computation, 1200 French knights, 1400 gentlemen, 4000 men at arms, beſides about 30,000 of inferior rank: Many of the principal nobility of France, the dukes of Lorraine and Bourbon, the earls of Flanders, Blois, Vaudemont, Aumale, were left on the field of battle. The kings alſo of Bohemia and Majorca were ſlain: The fate of the former was remarkable: He was blind from age; but being reſolved to hazard his perſon, and ſet an example

to

to others, he ordered the reins of his bridle to be tied on each ſide to the horſes of two gentlemen of his train; and his dead body, and thoſe of his attendants, were afterwards found among the ſlain, with their horſes ſtanding by them in that ſituation. His creſt was three oſtrich feathers; and his motto theſe German words, *Ieh dien, I ſerve*: Which the prince of Wales and his ſucceſſors adopted in memorial of this great victory. The action may ſeem no leſs remarkable for the ſmall loſs ſuſtained by the Engliſh, than for the great ſlaughter of the French: There were killed in it only one eſquire and three knights, and very few of inferior rank; a demonſtration, that the prudent diſpoſition planned by Edward, and the diſorderly attack made by the French, had rendered the whole rather a rout than a battle; which was indeed the common caſe with engagements in thoſe times.

The great prudence of Edward appeared not only in obtaining this memorable victory, but in the meaſures which he purſued after it. Not elated by his preſent proſperity, ſo far as to expect the total conqueſt of France, or even that of any conſiderable provinces; he purpoſed only to ſecure ſuch an eaſy entrance into that kingdom, as might afterwards open the way to more moderate advantages. He knew the extreme diſtance of Guienne: He had experienced the difficulty and uncertainty of penetrating on the ſide of the Low Countries, and had already loſt much of his authority over Flanders by the death of d'Arteville, who had been murdered by the populace themſelves, his former partiſans, on his attempting to transfer the ſovereignty of that province to the prince of Wales. The king, therefore, limited his ambition to the conqueſt of Calais; and after the interval of a few days, which he employed in interring the ſlain, he marched with his victorious army, and preſented himſelf before the place.

John of Vienne, a valiant knight of Burgundy, was governor of Calais, and being ſupplied with every thing neceſſary for defence, he encouraged the townſmen to perform to the utmoſt their duty to their king and

country. Edward, therefore, ſenſible from the beginning that it was in vain to attempt the place by force, purpoſed only to reduce it by famine: He choſe a ſecure ſtation for his camp; drew intrenchments around the whole city; raiſed huts for his ſoldiers, which he covered with ſtraw or broom; and provided his army with all the conveniencies neceſſary to make them endure the winter ſeaſon, which was approaching. As the governor ſoon perceived his intention, he expelled all the uſeleſs mouths; and the king had the generoſity to allow theſe unhappy people to paſs through his camp, and he even ſupplied them with money for their journey.

While Edward was engaged in this ſiege, which employed him near a twelvemonth, there paſſed in different places many other events; and all to the honour of the Engliſh arms.

The retreat of the duke of Normandy from Guienne left the earl of Derby maſter of the field; and he was not negligent in making his advantage of the ſuperiority. He took Mirebeau by aſſault: He made himſelf maſter of Luſignan in the ſame manner: Taillebourg and St. Jean d'Angeli fell into his hands; Poictiers opened its gates to him; and Derby having thus broken into the frontiers on that quarter, carried his incurſions to the banks of the Loire, and filled all the ſouthern provinces of France with horror and devaſtation.

The flames of war were at the ſame time kindled in Britanny. Charles of Blois invaded that province with a conſiderable army, and inveſted the fortreſs of Roche de Rien; but the counteſs of Mountfort, reinforced by ſome Engliſh troops under ſir Thomas Dagworth, attacked him during the night in his intrenchments, diſperſed his army, and took Charles himſelf priſoner. His wife, by whom he enjoyed his pretenſions to Britanny, compelled by the preſent neceſſity, took on her the government of the party, and proved herſelf a rival in every ſhape, and an antagoniſt to the counteſs of Mountfort, both in the field and in the cabinet.

And while theſe heroic dames preſented this extraordinary ſcene to the world, another princeſs in England, of ſtill higher rank, ſhowed herſelf no leſs capable of exerting every manly virtue.

The Scottiſh nation, after long defending, with incredible perſeverance, their liberties againſt the ſuperior force of the Engliſh, recalled their king David Bruce in 1342. Though that prince, neither by his age nor capacity, could bring them great aſſiſtance, he gave them the countenance of ſovereign authority; and as Edward's wars on the continent proved a great diverſion to the force of England, they rendered the balance more equal between the kingdoms. In every truce which Edward concluded with Philip, the king of Scotland was comprehended; and when Edward made his laſt invaſion upon France, David was ſtrongly ſolicited by his ally to begin alſo hoſtilities, and to invade the northern counties of England. The nobility of his nation being always forward in ſuch incurſions, David ſoon muſtered a great army, entered Northumberland at the head of above 50,000 men, and carried his ravages and devaſtations to the gates of Durham. But queen Philippa, aſſembling a body of little more than 12,000 men, which ſhe entruſted to the command of lord Piercy, ventured to approach him at Neville's Croſs near that city; and riding through the ranks of her army, exhorted every man to do his duty, and to take revenge on theſe barbarous ravagers. Nor could ſhe be perſuaded to leave the field, till the armies were on the point of engaging (17th October). The Scots have often been unfortunate in the great pitched battles which they fought with the Engliſh; even though they commonly declined ſuch engagements where the ſuperiority of numbers was not on their ſide: But never did they receive a more fatal blow than the preſent. They were broken and chaſed off the field: Fifteen thouſand of them, ſome hiſtorians ſay twenty thouſand, were ſlain; among whom were Edward Keith earl mareſchal, and ſir Thomas Charteris chancellor: And the king himſelf was taken priſoner, with the earls of Sutherland,

Fife,

Fife, Monteith, Carric, lord Douglas, and many other noblemen.

Philippa, having ſecured her royal priſoner in the Tower, croſſed the ſea at Dover; and was received in the Engliſh camp before Calais with all the triumph due to her rank, her merit, and her ſucceſs. This age was the reign of chivalry and gallantry: Edward's court excelled in theſe accompliſhments as much as in policy and arms: And if any thing could juſtify the obſequious devotion then profeſſed to the fair ſex, it muſt be the appearance of ſuch extraordinary women as ſhone forth during that period.

(1347.) The town of Calais had been defended with remarkable vigilance, conſtancy, and bravery, by the townſmen, during a ſiege of unuſual length: But Philip, informed of their diſtreſſed condition, determined at laſt to attempt their relief; and he approached the Engliſh with an immenſe army, which the writers of that age make amount to 200,000 men. But he found Edward ſo ſurrounded with moraſſes, and ſecured by intrenchments, that, without running on inevitable deſtruction, he concluded it impoſſible to make an attempt on the Engliſh camp. He had no other reſource than to ſend his rival a vain challenge to meet him in the open field; which being refuſed, he was obliged to decamp with his army, and diſperſe them into their ſeveral provinces.

John of Vienne, governor of Calais, now ſaw the neceſſity of ſurrendering his fortreſs, which was reduced to the laſt extremity by famine and the fatigue of the inhabitants. He appeared on the walls, and made a ſignal to the Engliſh centinels that he deſired a parley. Sir Walter Manny was ſent to him by Edward. "Brave "knight," cried the governor, "I have been entruſted "by my ſovereign with the command of this town: "It is almoſt a year ſince you beſieged me; and I "have endeavoured, as well as thoſe under me, to do "our duty. But you are acquainted with our preſent "condition: We have no hopes of relief; we are "periſhing with hunger; I am willing therefore to

" ſurrender, and deſire, as the ſole condition, to enſure " the lives and liberties of theſe brave men, who have " ſo long ſhared with me every danger and fatigue."

Manny replied, that he was well acquainted with the intentions of the king of England; that that prince was incenſed againſt the townſmen of Calais for their pertinacious reſiſtance, and for the evils which they had made him and his ſubjects ſuffer; that he was determined to take exemplary vengeance on them; and would not receive the town on any condition which ſhould confine him in the puniſhment of theſe offenders. " Conſider," replied Vienne, " that this is not the " treatment to which brave men are entitled: If any " Engliſh knight had been in my ſituation, your king " would have expected the ſame conduct from him. " The inhabitants of Calais have done for their ſo- " vereign what merits the eſteem of every prince; " much more of ſo gallant a prince as Edward. But " I inform you, that if we muſt periſh, we ſhall not " periſh unrevenged; and that we are not yet ſo re- " duced, but we can ſell our lives at a high price to the " victors. It is the intereſt of both ſides to prevent " theſe deſperate extremities; and I expect that you " yourſelf, brave knight, will interpoſe your good " offices with your prince in our behalf."

Manny was ſtruck with the juſtneſs of theſe ſentiments, and repreſented to the king the danger of repriſals, if he ſhould give ſuch treatment to the inhabitants of Calais. Edward was at laſt perſuaded to mitigate the rigour of the conditions demanded: He only inſiſted that ſix of the moſt conſiderable citizens ſhould be ſent to him, to be diſpoſed of as he thought proper; that they ſhould come to his camp carrying the keys of the city in their hands, bareheaded and barefooted, with ropes about their necks: And, on theſe conditions, he promiſed to ſpare the lives of all the remainder.

When this intelligence was conveyed to Calais, it ſtruck the inhabitants with new conſternation. To ſacrifice ſix of their fellow-citizens to certain deſtruction for ſignaliſing their valour in a common cauſe, appeared to

to them even more ſevere than that general puniſhment with which they were before threatened; and they found themſelves incapable of coming to any reſolution in ſo cruel and diſtreſsful a ſituation. At laſt one of the principal inhabitants called Euſtace de St. Pierre, whoſe name deſerves to be recorded, ſtepped forth, and declared himſelf willing to encounter death for the ſafety of his friends and companions: Another, animated by his example, made a like generous offer: A third and a fourth preſented themſelves to the ſame fate; and the whole number was ſoon completed. Theſe ſix heroic burgeſſes appeared before Edward in the guiſe of malefactors, laid at his feet the keys of their city, and were ordered to be led to execution. It is ſurpriſing that ſo generous a prince ſhould ever have entertained ſuch a barbarous purpoſe againſt ſuch men; and ſtill more that he ſhould ſeriouſly perſiſt in the reſolution of executing it *. But the entreaties of his queen ſaved his memory from that infamy: She threw herſelf on her knees before him, and, with tears in her eyes, begged the lives of theſe citizens. Having obtained her requeſt, ſhe carried them into her tent, ordered a repaſt to be ſet before them, and, after making them a preſent of money and clothes, diſmiſſed them in ſafety.

The king took poſſeſſion of Calais (4th Auguſt); and immediately executed an act of rigour, more juſtifiable, becauſe more neceſſary, than that which he had before reſolved on. He knew that, notwithſtanding his pretended title to the crown of France, every Frenchman regarded him as a mortal enemy: He therefore ordered all the inhabitants of Calais to evacuate the town, and he peopled it anew with Engliſh; a policy which probably preſerved ſo long to his ſucceſſors the dominion of that important fortreſs. He made it the ſtaple of wool, leather, tin, and lead; the four chief, if not the ſole commodities of the kingdom, for which there was any conſiderable demand in foreign markets. All the Engliſh were obliged to bring thither theſe

* See note [G] at the end of the volume.

goods: Foreign merchants came to the ſame place in order to purchaſe them: And at a period when poſts were not eſtabliſhed, and when the communication between ſtates was ſo imperfect, this inſtitution, though it hurt the navigation of England, was probably of advantage to the kingdom.

Through the mediation of the pope's legates, Edward concluded a truce with France; but, even during this ceſſation of arms, he had very nearly loſt Calais, the ſole fruit of all his boaſted victories. The king had entruſted that place to Aimery de Pavie, an Italian, who had diſcovered bravery and conduct in the wars, but was utterly deſtitute of every principle of honour and fidelity. This man agreed to deliver up Calais for the ſum of twenty thouſand crowns; and Geoffrey de Charni, who commanded the French forces in thoſe quarters, and who knew that, if he ſucceeded in this ſervice, he ſhould not be diſavowed, ventured, without conſulting his maſter, to conclude the bargain with him. Edward, informed of this treachery by means of Aimery's ſecretary, ſummoned the governor to London on other pretences; and having charged him with the guilt, promiſed him his life, but on condition that he would turn the contrivance to the deſtruction of the enemy. The Italian eaſily agreed to this double treachery. A day was appointed for the admiſſion of the French; and Edward, having prepared a force of about a thouſand men, under ſir Walter Manny, ſecretly departed from London, carrying with him the prince of Wales; and, without being ſuſpected, arrived the evening before at Calais. He made a proper diſpoſition for the reception of the enemy, and kept all his forces and the garriſon under arms. On the appearance of Charni, a choſen band of French ſoldiers was admitted at the poſtern; and Aimery, receiving the ſtipulated ſum, promiſed that, with their aſſiſtance, he would immediately open the great gate to the troops, who were waiting with impatience for the fulfilling of his engagement. All the French who entered were immediately ſlain or taken priſoners (1349, 1ſt January): The great gate opened:

Edward

Edward ruſhed forth with cries of battle and of victory: The French, though aſtoniſhed at the event, behaved with valour: A fierce and bloody engagement enſued. As the morning broke, the king, who was not diſtinguiſhed by his arms, and who fought as a private man under the ſtandard of ſir Walter Manny, remarked a French gentleman, called Euſtace de Ribaumont, who exerted himſelf with ſingular vigour and bravery; and he was ſeized with a deſire of trying a ſingle combat with him. He ſtepped forth from his troop, and challenging Ribaumont by name (for he was known to him), began a ſharp and dangerous encounter. He was twice beaten to the ground by the valour of the Frenchman: He twice recovered himſelf: Blows were redoubled with equal force on both ſides: The victory was long undecided; till Ribaumont, perceiving himſelf to be left almoſt alone, called out to his antagoniſt, *Sir knight, I yield myſelf your priſoner*; and at the ſame time delivered his ſword to the king. Moſt of the French, being overpowered by numbers, and intercepted in their retreat, loſt either their lives or their liberty.

The French officers who had fallen into the hands of the Engliſh were conducted into Calais; where Edward diſcovered to them the antagoniſt with whom they had the honour to be engaged, and treated them with great regard and courteſy. They were admitted to ſup with the prince of Wales and the Engliſh nobility; and, after ſupper, the king himſelf came into the apartment, and went about, converſing familiarly with one or other of his priſoners. He even addreſſed himſelf to Charni, and avoided reproaching him, in too ſevere terms, with the treacherous attempt which he had made upon Calais during the truce: But he openly beſtowed the higheſt encomiums on Ribaumont; called him the moſt valorous knight that he had ever been acquainted with; and confeſſed that he himſelf had at no time been in ſo great danger as when engaged in combat with him. He then took a ſtring of pearls, which he wore about his own head, and throwing it over the head of Ribaumont, he ſaid to him,

"Sir

" Sir Euſtace, I beſtow this preſent upon you as a " teſtimony of my eſteem for your bravery: And I " deſire you to wear it a year for my ſake: I know you " to be gay and amorous, and to take delight in the com- " pany of ladies and damſels: Let them all know from " what hand you had the preſent: You are no longer a " priſoner; I acquit you of your ranſom; and you are at " liberty to-morrow to diſpoſe of yourſelf as you think " proper."

Nothing proves more evidently the vaſt ſuperiority aſſumed by the nobility and gentry above all the other orders of men during thoſe ages, than the extreme difference which Edward made in his treatment of theſe French knights, and that of the ſix citizens of Calais, who had exerted more ſignal bravery in a cauſe more juſtifiable and more honourable.

CHAP. XVI.

Inſtitution of the Garter—State of France—Battle of Poictiers—Captivity of the king of France—State of that kingdom—Invaſion of France—Peace of Bretigni—State of France—Expedition into Caſtile—Rupture with France—Ill ſucceſs of the Engliſh—Death of the prince of Wales—Death—and character of the king—Miſcellaneous tranſactions in this reign.

THE prudent conduct and great ſucceſs of Edward in his foreign wars had excited a ſtrong emulation and a military genius among the Engliſh nobility; and theſe turbulent barons, overawed by the crown, gave now a more uſeful direction to their ambition, and attached themſelves to a prince who led them to the acquiſition of riches and of glory. That he might farther promote the ſpirit of emulation and obedience, the king inſtituted the

the order of the Garter, in imitation of ſome orders of a like nature, religious as well as military, which had been eſtabliſhed in different parts of Europe. The number received into this order conſiſted of twenty-five perſons, beſides the ſovereign; and as it has never been enlarged, this badge of diſtinction continues as honourable as at its firſt inſtitution, and is ſtill a valuable, though a cheap preſent, which the prince can confer on his greateſt ſubjects. A vulgar ſtory prevails, but is not ſupported by any ancient authority, that, at a court-ball, Edward's miſtreſs, commonly ſuppoſed to be the counteſs of Saliſbury, dropped her garter; and the king, taking it up, obſerved ſome of the courtiers to ſmile, as if they thought that he had not obtained this favour merely by accident: Upon which he called out, *Honi ſoit qui mal y penſe*, Evil to him that evil thinks; and as every incident of gallantry among thoſe ancient warriors was magnified into a matter of great importance *, he inſtituted the order of the Garter in memorial of this event, and gave theſe words as the motto of the order. This origin, though frivolous, is not unſuitable to the manners of the times; and it is indeed difficult by any other means to account, either for the ſeemingly unmeaning terms of the motto, or for the peculiar badge of the garter, which ſeems to have no reference to any purpoſe either of military uſe or ornament.

But a ſudden damp was thrown over this feſtivity and triumph of the court of England, by a deſtructive peſtilence which invaded that kingdom, as well as the reſt of Europe; and is computed to have ſwept away near a third of the inhabitants in every country which it attacked. It was probably more fatal in great cities than in the country; and above fifty thouſand ſouls are ſaid to have periſhed by it in London alone †. This malady firſt

* See note [H] at the end of the volume.

† Stowe's Survey, p. 478. There were buried 50,000 bodies in one church-yard, which ſir Walter Manny had bought

firſt diſcovered itſelf in the north of Aſia, was ſpread over all that country, made its progreſs from one end of Europe to the other, and ſenſibly depopulated every ſtate, through which it paſſed. So grievous a calamity, more than the pacific diſpoſition of the princes, ſerved to maintain and prolong the truce between France and England.

(1350.) During this truce Philip de Valois died, without being able to re-eſtabliſh the affairs of France, which his bad ſucceſs againſt England had thrown into extreme diſorder. This monarch, during the firſt years of his reign, had obtained the appellation of *Fortunate*, and acquired the character of prudent; but he ill maintained either the one or the other; leſs from his own fault, than becauſe he was overmatched by the ſuperior fortune and ſuperior genius of Edward. But the incidents in the reign of his ſon John gave the French nation cauſe to regret even the calamitous times of his predeceſſor. John was diſtinguiſhed by many virtues, particularly a ſcrupulous honour and fidelity: He was not deficient in perſonal courage: But as he wanted that maſterly prudence and foreſight, which his difficult ſituation required, his kingdom was at the ſame time diſturbed by inteſtine commotions, and oppreſſed with foreign wars. (1354.) The chief ſource of its calamities was Charles king of Navarre, who received the epithet of the *bad* or *wicked*, and whoſe conduct fully entitled him to that appellation. This prince was deſcended from males of the blood royal of France; his mother was daughter of Lewis Hutin; he had himſelf eſpouſed a daughter of king John: But all theſe ties, which ought to have connected him with the throne, gave him only greater power to ſhake and overthrow it. With regard to his perſonal qualities, he was courteous, affable, engaging, eloquent; full of inſinuation and addreſs; inexhauſtible

bought for the uſe of the poor. The ſame author ſays, that there died above 50,000 perſons of the plague in Norwich; which is quite incredible.

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in his reſources; active and enterpriſing. But theſe ſplendid accompliſhments were attended with ſuch defects as rendered them pernicious to his country, and even ruinous to himſelf: He was volatile, inconſtant, faithleſs, revengeful, malicious: Reſtrained by no principle or duty: Inſatiable in his pretenſions: And whether ſucceſsful or unfortunate in one enterpriſe, he immediately undertook another, in which he was never deterred from employing the moſt criminal and moſt diſhonourable expedients.

The conſtable of Eu, who had been taken priſoner by Edward at Caën, recovered his liberty, on the promiſe of delivering as his ranſom the town of Guiſnes, near Calais, of which he was ſuperior lord: But as John was offended at this ſtipulation, which, if fulfilled, opened ſtill farther that frontier to the enemy; and as he ſuſpected the conſtable of more dangerous connexions with the king of England, he ordered him to be ſeized, and, without any legal or formal trial, put him to death in priſon. Charles de la Cerda was appointed conſtable in his place; and had a like fatal end: The king of Navarre ordered him to be aſſaſſinated; and ſuch was the weakneſs of the crown, that this prince, inſtead of dreading puniſhment, would not even agree to aſk pardon for his offence, but on condition that he ſhould receive an acceſſion of territory: And he had alſo John's ſecond ſon put into his hands as a ſecurity for his perſon, when he came to court, and performed this act of mock penitence and humiliation before his ſovereign.

(1355.) The two French princes ſeemed entirely reconciled; but this diſſimulation, to which John ſubmitted from neceſſity, and Charles from habit, did not long continue; and the king of Navarre knew that he had reaſon to apprehend the moſt ſevere vengeance for the many crimes and treaſons which he had already committed, and the ſtill greater, which he was meditating. To enſure himſelf of protection, he entered into a ſecret correſpondence with England, by means of Henry earl of Derby, now earl of Lancaſter, who at that time was employed in fruitleſs negotiations for peace at Avignon, under

under the mediation of the pope. John detected this correſpondence; and to prevent the dangerous effects of it, he ſent forces into Normandy, the chief ſeat of the king of Navarre's power, and attacked his caſtles and fortreſſes. But hearing that Edward had prepared an army to ſupport his ally, he had the weakneſs to propoſe an accommodation with Charles, and even to give this traiterous ſubject the ſum of a hundred thouſand crowns as the purchaſe of a feigned reconcilement, which rendered him ſtill more dangerous. The king of Navarre, inſolent from paſt impunity, and deſperate from the dangers which he apprehended, continued his intrigues; and aſſociating himſelf with Geoffrey d'Harcourt, who had received his pardon from Philip de Valois, but perſevered ſtill in his factious diſpoſition, he increaſed the number of his partiſans in every part of the kingdom. He even ſeduced, by his addreſs, Charles the king of France's eldeſt ſon, a youth of ſeventeen years of age, who was the firſt that bore the appellation of Dauphin, by the re-union of the province of Dauphiny to the crown. But this prince, being made ſenſible of the danger and folly of theſe connexions, promiſed to make atonement for the offence by the ſacrifice of his aſſociates; and, in concert with his father, he invited the king of Navarre, and other noblemen of the party, to a feaſt at Roüen, where they were betrayed into the hands of John. Some of the moſt obnoxious were immediately led to execution; the king of Navarre was thrown into priſon: But this ſtroke of ſeverity in the king, and of treachery in the dauphin, was far from proving deciſive in maintaining the royal authority. Philip of Navarre brother to Charles, and Geoffrey d'Harcourt, put all the towns and caſtles belonging to that prince in a poſture of defence; and had immediate recourſe to the protection of England in this deſperate extremity.

The truce between the two kingdoms, which had always been ill obſerved on both ſides, was now expired; and Edward was entirely free to ſupport the French malcontents. Well pleaſed that the factions in France had

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at length gained him ſome partiſans in that kingdom, which his pretenſions to the crown had never been able to accompliſh, he purpoſed to attack his enemy both on the ſide of Guienne, under the command of the prince of Wales, and on that of Calais, in his own perſon.

Young Edward arrived in the Garonne with his army, on board a fleet of three hundred ſail, attended by the earls of Warwic, Saliſbury, Oxford, Suffolk, and other Engliſh noblemen. Being joined by the vaſſals of Gaſcony, he took the field; and as the preſent diſorders in France prevented every proper plan of defence, he carried on with impunity his ravages and devaſtations, according to the mode of war in that age. He reduced all the villages and ſeveral towns in Languedoc to aſhes: He preſented himſelf before Thouloufe; paſſed the Garonne, and burned the ſuburbs of Carcaſſonne; advanced even to Narbonne, laying every place waſte around him: And after an incurſion of ſix weeks, returned with a vaſt booty and many priſoners to Guienne, where he took up his winter-quarters. The conſtable of Bourbon, who commanded in theſe provinces, received orders, though at the head of a ſuperior army, on no account to run the hazard of a battle.

The king of England's incurſion from Calais was of the ſame nature, and attended with the ſame iſſue. He broke into France at the head of a numerous army; to which he gave a full licenſe of plundering and ravaging the open country. He advanced to St. Omer, where the king of France was poſted; and on the retreat of that prince followed him to Heſdin. John ſtill kept at a diſtance, and declined an engagement: But, in order to ſave his reputation, he ſent Edward a challenge to fight a pitched battle with him; a uſual bravado in that age, derived from the practice of ſingle combat, and ridiculous in the art of war. The king finding no ſincerity in this defiance, retired to Calais, and thence went over to England, in order to defend that kingdom againſt a threatened invaſion of the Scots.

The Scots, taking advantage of the king's abſence, and that of the military power of England, had ſurpriſ-

ed Berwic; and had collected an army with a view of committing ravages upon the northern provinces: But on the approach of Edward they abandoned that place, which was not tenable while the caſtle was in the hands of the Engliſh; and retiring to their mountains, gave the enemy full liberty of burning and deſtroying the whole country from Berwic to Edinburgh. Baliol attended Edward on this expedition; but finding that his conſtant adherence to the Engliſh had given his countrymen an unconquerable averſion to his title, and that he himſelf was declining through age and infirmities, he finally reſigned into the king's hands his pretenſions to the crown of Scotland, and received in lieu of them an annual penſion of 2000 pounds, with which he paſſed the remainder of his life in privacy and retirement.

During theſe military operations, Edward received information of the increaſing diſorders in France, ariſing from the impriſonment of the king of Navarre; and he ſent Lancaſter, at the head of a ſmall army, to ſupport the partiſans of that prince in Normandy. The war was conducted with various ſucceſs; but chiefly to the diſadvantage of the French malcontents; till an important event happened in the other quarter of the kingdom, which had well nigh proved fatal to the monarchy of France, and threw every thing into the utmoſt confuſion.

(1356.) The prince of Wales, encouraged by the ſucceſs of the preceding campaign, took the field with an army, which no hiſtorian makes amount to above 12,000 men, and of which not a third were Engliſh; and, with this ſmall body, he ventured to penetrate into the heart of France. After ravaging the Agenois, Quercy, and the Limouſin, he entered the province of Berry, and made ſome attacks, though without ſucceſs, on the towns of Bourges and Iſſoudun. It appeared, that his intentions were to march into Normandy, and to join his forces with thoſe of the earl of Lancaſter and the partiſans of the king of Navarre; but finding all the bridges on the Loire broken down, and every paſs carefully guarded, he was obliged to think of making his retreat

treat into Guienne. He found this reſolution the more neceſſary, from the intelligence which he received of the king of France's motions. That monarch, provoked at the inſult offered him by this incurſion, and entertaining hopes of ſucceſs from the young prince's temerity, collected a great army of above 60,000 men, and advanced, by haſty marches, to intercept his enemy. The prince, not aware of John's near approach, loſt ſome days on his retreat before the caſtle of Remorantin; and thereby gave the French an opportunity of overtaking him. They came within ſight at Maupertuis near Poictiers; and Edward, ſenſible that his retreat was now become impracticable, prepared for battle with all the courage of a young hero, and with all the prudence of the oldeſt and moſt experienced commander.

But the utmoſt prudence and courage would have proved inſufficient to ſave him in this extremity, had the king of France known how to make uſe of his preſent advantages. His great ſuperiority in numbers enabled him to ſurround the enemy; and, by intercepting all proviſions, which were already become ſcarce in the Engliſh camp, to reduce this ſmall army, without a blow, to the neceſſity of ſurrendering at diſcretion. But ſuch was the impatient ardour of the French nobility, and ſo much had their thoughts been bent on overtaking the Engliſh as their ſole object, that this idea never ſtruck any of the commanders; and they immediately took meaſures for the aſſault, as for a certain victory. While the French army was drawn up in order of battle, they were ſtopped by the appearance of the cardinal of Perigord; who, having learned the approach of the two armies to each other, had haſtened, by interpoſing his good offices, to prevent any farther effuſion of Chriſtian blood. By John's permiſſion, he carried propoſals to the prince of Wales; and found him ſo ſenſible of the bad poſture of his affairs, that an accommodation ſeemed not impracticable. Edward told him, that he would agree to any terms conſiſtent with his own honour and that of England; and he offered to purchaſe a retreat, by ceding all the conqueſts which he had made during this and the

former campaign, and by ſtipulating not to ſerve againſt France during the courſe of ſeven years. But John, imagining that he had now got into his hands a ſufficient pledge for the reſtitution of Calais, required that Edward ſhould ſurrender himſelf priſoner with a hundred of his attendants; and offered, on theſe terms, a ſafe retreat to the Engliſh army. The prince rejected the propoſal with diſdain; and declared that whatever fortune might attend him, England ſhould never be obliged to pay the price of his ranſom. This reſolute anſwer cut off all hopes of accommodation; but, as the day was already ſpent in negotiating, the battle was delayed till the next morning.

The cardinal of Perigord, as did all the prelates of the court of Rome, bore a great attachment to the French intereſt; but the moſt determined enemy could not, by any expedient, have done a greater prejudice to John's affairs than he did them by this delay. The prince of Wales had leiſure, during the night (19th September), to ſtrengthen, by new intrenchments, the poſt which he had before ſo judiciouſly choſen; and he contrived an ambuſh of 300 men at arms, and as many archers, whom he put under the command of the Captal de Buche, and ordered to make a circuit, that they might fall on the flank or rear of the French army during the engagement. The van of his army was commanded by the earl of Warwic, the rear by the earls of Saliſbury and Suffolk, the main body by the prince himſelf. The lords Chandos, Audeley, and many other brave and experienced commanders, were at the head of different corps of his army.

John alſo arranged his forces in three diviſions, nearly equal: The firſt was commanded by the duke of Orleans, the king's brother; the ſecond by the dauphin attended by his two younger brothers; the third by the king himſelf, who had by his ſide Philip his fourth ſon and favourite, then about fourteen years of age. There was no reaching the Engliſh army but through a narrow lane, covered on each ſide by hedges; and in order to open this paſſage, the mareſchals Andrehen and Clermont

mont were ordered to advance with a ſeparate detachment of men at arms. While they marched along the lane, a body of Engliſh archers, who lined the hedges, plyed them on each ſide with their arrows; and being very near them, yet placed in perfect ſafety, they coolly took their aim againſt the enemy, and ſlaughtered them with impunity. The French detachment, much diſcouraged by the unequal combat, and diminiſhed in their number, arrived at the end of the lane, where they met on the open ground the prince of Wales himſelf, at the head of a choſen body, ready for their reception. They were diſcomfited and overthrown; One of the mareſchals was ſlain; the other taken priſoner: And the remainder of the detachment, who were ſtill in the lane, and expoſed to the ſhot of the enemy, without being able to make reſiſtance, recoiled upon their own army, and put every thing into diſorder. In that critical moment the Captal de Buche unexpectedly appeared, and attacked in flank the dauphin's line, which fell into ſome confuſion. Landas, Bondenai, and St. Venant, to whom the care of that young prince and his brothers had been committed, too anxious for their charge, or for their own ſafety, carried them off the field, and ſet the example of flight, which was followed by that whole diviſion. The duke of Orleans, ſeized with a like panic, and imagining all was loſt, thought no longer of fighting, but carried off his diviſion by a retreat, which ſoon turned into a flight. Lord Chandos called out to the prince, that the day was won; and encouraged him to attack the diviſion under king John, which, though more numerous than the whole Engliſh army, were ſomewhat diſmayed with the precipitate flight of their companions. John here made the utmoſt efforts to retrieve by his valour what his imprudence had betrayed; and the only reſiſtance made that day was by his line of battle. The prince of Wales fell with impetuoſity on ſome German cavalry placed in the front, and commanded by the counts of Sallebruche, Nydo, and Noſto: A fierce battle enſued: One ſide were encouraged by the near proſpect of ſo great a victory: The other were ſtimulated by the ſhame

ſhame of quitting the field to an enemy ſo much inferior: But the three German generals, together with the duke of Athens conſtable of France, falling in battle, that body of cavalry gave way, and left the king himſelf expoſed to the whole fury of the enemy. The ranks were every moment thinned around him: The nobles fell by his ſide one after another: His ſon, ſcarce fourteen years of age, received a wound, while he was fighting valiantly in defence of his father: The king himſelf, ſpent with fatigue, and overwhelmed by numbers, might eaſily have been ſlain; but every Engliſh gentleman, ambitious of taking alive the royal priſoner, ſpared him in the action, exhorted him to ſurrender, and offered him quarter: Several who attempted to ſeize him ſuffered for their temerity. He ſtill cried out, *Where is my couſin, the prince of Wales?* and ſeemed unwilling to become priſoner to any perſon of inferior rank. But being told that the prince was at a diſtance on the field, he threw down his gauntlet, and yielded himſelf to Dennis de Morbec, a knight of Arras, who had been obliged to fly his country for murder. His ſon was taken with him.

The prince of Wales, who had been carried away in purſuit of the flying enemy, finding the field entirely clear, had ordered a tent to be pitched, and was repoſing himſelf after the toils of battle; inquiring ſtill with great anxiety concerning the fate of the French monarch. He deſpatched the earl of Warwic to bring him intelligence; and that nobleman came happily in time to ſave the life of the captive prince, which was expoſed to greater danger than it had been during the heat of the action. The Engliſh had taken him by violence from Morbec: The Gaſcons claimed the honour of detaining the royal priſoner: And ſome brutal ſoldiers, rather than yield the prize to their rivals, had threatened to put him to death. Warwic overawed both parties, and approaching the king with great demonſtrations of reſpect, offered to conduct him to the prince's tent.

Here commences the real and truly admirable heroiſm of Edward: For victories are vulgar things in compariſon of that moderation and humanity diſplayed by a young

a young prince of twenty-ſeven years of age, not yet cooled from the fury of battle, and elated by as extraordinary and as unexpected ſucceſs as had ever crowned the arms of any commander. He came forth to meet the captive king with all the marks of regard and ſympathy; adminiſtered comfort to him amidſt his misfortunes; paid him the tribute of praiſe due to his valour; and aſcribed his own victory merely to the blind chance of war, or to a ſuperior providence, which controls all the efforts of human force and prudence. The behaviour of John ſhowed him not unworthy of this courteous treatment: His preſent abject fortune never made him forget a moment that he was a king: More touched by Edward's generoſity than by his own calamities, he confeſſed that, notwithſtanding his defeat and captivity, his honour was ſtill unimpaired; and that, if he yielded the victory, it was at leaſt gained by a prince of ſuch conſummate valour and humanity.

Edward ordered a repaſt to be prepared in his tent for the priſoner; and he himſelf ſerved at the royal captive's table, as if he had been one of his retinue: He ſtood at the king's back during the meal; conſtantly refuſed to take a place at table; and declared, that, being a ſubject, he was too well acquainted with the diſtance between his own rank and that of royal majeſty, to aſſume ſuch freedom. All his father's pretenſions to the crown of France were now buried in oblivion: John, in captivity, received the honours of a king, which were refuſed him when ſeated on the throne: His misfortunes, not his title, were reſpected; and the French priſoners, conquered by this elevation of mind, more than by their late diſcomfiture, burſt into tears of admiration; which were only checked by the reflection, that ſuch genuine and unaltered heroiſm in an enemy muſt certainly in the iſſue prove but the more dangerous to their native country.

(1357.) All the Engliſh and Gaſcon knights imitated the generous example ſet them by their prince. The captives were every-where treated with humanity, and

and were ſoon after diſmiſſed, on paying moderate ranſoms to the perſons into whoſe hands they had fallen. The extent of their fortunes was conſidered; and an attention was given, that they ſhould ſtill have ſufficient means left to perform their military ſervice in a manner ſuitable to their rank and quality. Yet ſo numerous were the noble priſoners, that theſe ranſoms, added to the ſpoils gained in the field, were ſufficient to enrich the prince's army; and as they had ſuffered very little in the action, their joy and exultation were complete.

The prince of Wales conducted his priſoner to Bourdeaux; and not being provided with forces ſo numerous as might enable him to puſh his preſent advantages, he concluded a two years truce with France, which was alſo become requiſite, that he might conduct the captive king with ſafety into England. He landed at Southwark (24th May), and was met by a great concourſe of people of all ranks and ſtations. The priſoner was clad in royal apparel, and mounted on a white ſteed, diſtinguiſhed by its ſize and beauty, and by the richneſs of its furniture. The conqueror rode by his ſide in a meaner attire, and carried by a black palfry. In this ſituation, more glorious than all the inſolent parade of a Roman triumph, he paſſed through the ſtreets of London, and preſented the king of France to his father, who advanced to meet him, and received him with the ſame courteſy as if he had been a neighbouring potentate that had voluntarily come to pay him a friendly viſit. It is impoſſible, in reflecting on this noble conduct, not to perceive the advantages which reſulted from the otherwiſe whimſical principles of chivalry, and which gave men, in thoſe rude times, ſome ſuperiority even over people of a more cultivated age and nation.

The king of France, beſides the generous treatment which he met with in England, had the melancholy conſolation of the wretched, to ſee companions in affliction. The king of Scots had been eleven years a captive in Edward's hands; and the good fortune of this latter monarch had reduced at once the two neighbour-

ing potentates, with whom he was engaged in war, to be priſoners in his capital. But Edward, finding that the conqueſt of Scotland was nowiſe advanced by the captivity of its ſovereign, and that the government, conducted by Robert Stuart his nephew and heir, was ſtill able to defend itſelf, conſented to reſtore David Bruce to his liberty, for the ranſom of 100,000 marks ſterling; and that prince delivered the ſons of all his principal nobility as hoſtages for the payment.

(1358.) Meanwhile, the captivity of John, joined to the preceding diſorders of the French government, had produced in that country a diſſolution, almoſt total, of civil authority, and had occaſioned confuſions, the moſt horrible and deſtructive that had ever been experienced in any age or in any nation. The dauphin, now about eighteen years of age, naturally aſſumed the royal power during his father's captivity; but though endowed with an excellent capacity, even in ſuch early years, he poſſeſſed neither experience nor authority ſufficient to defend a ſtate, aſſailed at once by foreign power and ſhaken by inteſtine faction. In order to obtain ſupply, he aſſembled the ſtates of the kingdom: That aſſembly, inſtead of ſupporting his adminiſtration, were themſelves ſeized with the ſpirit of confuſion; and laid hold of the preſent opportunity to demand limitations of the prince's power, the puniſhment of paſt malverſations, and the liberty of the king of Navarre. Marcel, provoſt of the merchants, and firſt magiſtrate of Paris, put himſelf at the head of the unruly populace; and from the violence and temerity of his character, puſhed them to commit the moſt criminal outrages againſt the royal authority. They detained the dauphin in a ſort of captivity; they murdered in his preſence Robert de Clermont and John de Conflans, mareſchals, the one of Normandy, the other of Burgundy; they threatened all the other miniſters with a like fate; and when Charles, who was obliged to temporiſe and diſſemble, made his eſcape from their hands, they levied war againſt him, and openly erected the ſtandard of rebellion. The other cities of the kingdom, in imitation of the capital, ſhook

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off the dauphin's authority; took the government into their own hands; and ſpread the diſorder into every province. The nobles, whoſe inclinations led them to adhere to the crown, and were naturally diſpoſed to check theſe tumults, had loſt all their influence; and being reproached with cowardice on account of the baſe deſertion of their ſovereign in the battle of Poictiers, were treated with univerſal contempt by the inferior orders. The troops, who, from the deficiency of pay, were no longer retained in diſcipline, threw off all regard to their officers, ſought the means of ſubſiſtence by plunder and robbery, and aſſociating to them all the diſorderly people, with whom that age abounded, formed numerous bands, which infeſted all parts of the kingdom. They deſolated the open country; burned and plundered the villages; and by cutting off all means of communication or ſubſiſtence, reduced even the inhabitants of the walled towns to the moſt extreme neceſſity. The peaſants, formerly oppreſſed and now left unprotected by their maſters, became deſperate from their preſent miſery; and riſing every-where in arms, carried to the laſt extremity thoſe diſorders which were derived from the ſedition of the citizens and diſbanded ſoldiers. The gentry, hated for their tyranny, were every-where expoſed to the violence of popular rage; and inſtead of meeting with the regard due to their paſt dignity, became only, on that account, the objects of more wanton inſult to the mutinous peaſants. They were hunted like wild beaſts, and put to the ſword without mercy: Their caſtles were conſumed with fire, and levelled to the ground: Their wives and daughters were firſt raviſhed, then murdered: The ſavages proceeded ſo far as to impale ſome gentlemen, and roaſt them alive before a ſlow fire: A body of nine thouſand of them broke into Meaux, where the wife of the dauphin, with above 300 ladies, had taken ſhelter: The moſt brutal treatment and moſt atrocious cruelty were juſtly dreaded by this helpleſs company: But the Captal de Buche, though in the ſervice of Edward, yet moved by generoſity and by the gallantry of a true

a true knight, flew to their reſcue, and beat off the peaſants with great ſlaughter. In other civil wars, the oppoſite factions, falling under the government of their ſeveral leaders, commonly preſerve ſtill the veſtige of ſome rule and order: But here the wild ſtate of nature ſeemed to be renewed: Every man was thrown looſe and independent of his fellows: And the populouſneſs of the country, derived from the preceding police of civil ſociety, ſerved only to increaſe the horror and confuſion of the ſcene.

Amidſt theſe diſorders, the king of Navarre made his eſcape from priſon, and preſented a dangerous leader to the furious malcontents. But the ſplendid talents of this prince qualified him only to do miſchief, and to increaſe the public diſtractions: He wanted the ſteadineſs and prudence requiſite for making his intrigues ſubſervient to his ambition, and forming his numerous partiſans into a regular faction. He revived his pretenſions, ſomewhat obſolete, to the crown of France: But while he advanced this claim, he relied entirely on his alliance with the Engliſh, who were concerned in intereſt to diſappoint his pretenſions; and who, being public and inveterate enemies to the ſtate, ſerved only, by the friendſhip which they ſeemingly bore to him, to render his cauſe the more odious. And in all his operations he acted more like a leader of banditti, than one who aſpired to be the head of a regular government, and who was engaged, by his ſtation, to endeavour the reeſtabliſhment of order in the community.

The eyes, therefore, of all the French, who wiſhed to reſtore peace to their miſerable and deſolated country, were turned towards the dauphin; and that young prince, though not remarkable for his military talents, poſſeſſed ſo much prudence and ſpirit, that he daily gained the aſcendant over all his enemies. Marcel, the ſeditious provoſt of Paris, was ſlain while he was attempting to deliver the city to the king of Navarre and the Engliſh; and the capital immediately returned to its duty. The moſt conſiderable bodies of the mutinous peaſants were diſperſed and put to the ſword: Some bands

bands of military robbers underwent the ſame fate: And though many grievous diſorders ſtill remained, France began gradually to aſſume the face of a regular civil government, and to form ſome plan for its defence and ſecurity.

During the confuſion of the dauphin's affairs, Edward ſeemed to have a favourable opportunity for puſhing his conqueſts: But beſides that his hands were tied by the truce, and he could only aſſiſt underhand the faction of Navarre; the ſtate of the Engliſh finances and military power during thoſe ages, rendered the kingdom incapable of making any regular or ſteady effort, and obliged it to exert its force at very diſtant intervals, by which all the projected ends were commonly diſappointed. Edward employed himſelf, during a conjuncture ſo inviting, chiefly in negotiations with his priſoner; and John had the weakneſs to ſign terms of peace, which, had they taken effect, muſt have totally ruined and diſmembered his kingdom. He agreed to reſtore all the provinces which had been poſſeſſed by Henry II. and his two ſons, and to annex them for ever to England, without any obligation of homage or fealty on the part of the Engliſh monarch. But the dauphin and the ſtates of France rejected this treaty, ſo diſhonourable and pernicious to the kingdom; and Edward, on the expiration of the truce, having now by ſubſidies and frugality collected ſome treaſure, prepared himſelf for a new invaſion of France.

The great authority and renown of the king and the prince of Wales, the ſplendid ſucceſs of their former enterpriſes, and the certain proſpect of plunder from the defenceleſs provinces of France, ſoon brought together the whole military power of England; and the ſame motives invited to Edward's ſtandard all the hardy adventurers of the different countries of Europe. He paſſed over to Calais, where he aſſembled an army of near a hundred thouſand men; a force which the dauphin could not pretend to withſtand in the open field: That prince, therefore, prepared himſelf to elude a blow which it was impoſſible for him to reſiſt. He

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put all the conſiderable towns in a poſture of defence, ordered them to be ſupplied with magazines and proviſions; diſtributed proper garriſons in all places; ſecured every thing valuable in the fortified cities; and choſe his own ſtation at Paris, with a view of allowing the enemy to vent their fury on the open country.

(1359.) The king, aware of this plan of defence, was obliged to carry along with him ſix thouſand waggons, loaded with the proviſions neceſſary for the ſubſiſtence of his army. After ravaging the province of Picardy, he advanced into Champagne (4th November); and having a ſtrong deſire of being crowned king of France at Rheims, the uſual place in which this ceremony is performed, he laid ſiege to that city, and carried on his attacks, though without ſucceſs, for the ſpace of ſeven weeks. The place was bravely defended by the inhabitants, encouraged by the exhortations of the archbiſhop John de Craon; till the advanced ſeaſon (for this expedition was entered upon in the beginning of winter, 1360) obliged the king to raiſe the ſiege. The province of Champagne meanwhile was deſolated by his incurſions; and he thence conducted his army with a like intent into Burgundy. He took and pillaged Tonnerre, Gaillon, Avalon, and other ſmall places; but the duke of Burgundy, that he might preſerve his country from farther ravages, conſented to pay him the ſum of 100,000 nobles. Edward then bent his march towards the Nivernois, which ſaved itſelf by a like compoſition: He laid waſte Brie and the Gatinois; and after a long march, very deſtructive to France, and ſomewhat ruinous to his own troops, he appeared before the gates of Paris, and taking up his quarters at Bourg-la-Reine, extended his army to Long-jumeau, Montrouge, and Vaugirard. He tried to provoke the dauphin to hazard a battle, by ſending him a defiance; but could not make that prudent prince change his plan of operations. Paris was ſafe from the danger of an aſſault by its numerous garriſon; from that of a blockade by its well-ſupplied magazines: And as Edward himſelf could not ſubſiſt his army in a country waſted by

foreign and domeſtic enemies, and left alſo empty by the precaution of the dauphin, he was obliged to remove his quarters; and he ſpread his troops into the provinces of Maine, Beauſſe, and the Chartraine, which were abandoned to the fury of their devaſtations. The only repoſe which France experienced, was during the feſtival of Eaſter, when the king ſtopped the courſe of his ravages. For ſuperſtition can ſometimes reſtrain the rage of men, which neither juſtice nor humanity is able to control.

While the war was carried on in this ruinous manner, the negotiations for peace were never interrupted: But as the king ſtill inſiſted on the full execution of the treaty, which he had made with his priſoner at London, and which was ſtrenuouſly rejected by the dauphin, there appeared no likelihood of an accommodation. The earl, now duke of Lancaſter (for this title was introduced into England during the preſent reign) endeavoured to ſoften the rigour of theſe terms, and to finiſh the war on more equal and reaſonable conditions. He inſiſted with Edward, that, notwithſtanding his great and ſurpriſing ſucceſſes, the object of the war, if ſuch were to be eſteemed the acquiſition of the crown of France, was not become any nearer than at the commencement of it; or rather was ſet at a greater diſtance by thoſe very victories and advantages which ſeemed to lead to it. That his claim of ſucceſſion had not from the firſt procured him one partiſan in the kingdom; and the continuance of theſe deſtructive hoſtilities had united every Frenchman in the moſt implacable animoſity againſt him. That though inteſtine faction had creeped into the government of France, it was abating every moment; and no party, even during the greateſt heat of the conteſt, when ſubjection under a foreign enemy uſually appears preferable to the dominion of fellow-citizens, had ever adopted the pretenſions of the king of England. That the king of Navarre himſelf, who alone was allied with the Engliſh, inſtead of being a cordial friend, was Edward's moſt dangerous rival, and, in the opinion of his partiſans, poſſeſſed a much preferable title to the crown of

of France. That the prolongation of the war, however it might enrich the Engliſh ſoldiers, was ruinous to the king himſelf, who bore all the charges of the armament, without reaping any ſolid or durable advantage from it. That if the preſent diſorders of France continued, that kingdom would ſoon be reduced to ſuch a ſtate of deſolation, that it would afford no ſpoils to its ravagers; if it could eſtabliſh a more ſteady government, it might turn the chance of war in its favour, and by its ſuperior force and advantages be able to repel the preſent victors. That the dauphin, even during his greateſt diſtreſſes, had yet conducted himſelf with ſo much prudence, as to prevent the Engliſh from acquiring one foot of land in the kingdom; and it were better for the king to accept by a peace what he had in vain attempted to acquire by hoſtilities, which, however hitherto ſucceſsful, had been extremely expenſive, and might prove very dangerous: And that Edward having acquired ſo much glory by his arms, the praiſe of moderation was the only honour to which he could now aſpire; an honour ſo much the greater, as it was durable, was united with that of prudence, and might be attended with the moſt real advantages.

Theſe reaſons induced Edward to accept of more moderate terms of peace; and it is probable that, in order to palliate this change of reſolution, he aſcribed it to a vow made during a dreadful tempeſt, which attacked his army on their march, and which ancient hiſtorians repreſent as the cauſe of this ſudden accommodation. The conferences between the Engliſh and French commiſſioners were carried on during a few days at Bretigni in the Chartraine, and the peace was at laſt concluded (8th May) on the following conditions. It was ſtipulated that king John ſhould be reſtored to his liberty, and ſhould pay as his ranſom three millions of crowns of gold, about 1,500,000 pounds of our preſent money*; which was to be diſcharged at different payments: That Edward ſhould for ever renounce all claim to the crown

* See note [I] at the end of the volume.

of France, and to the provinces of Normandy, Maine, Touraine, and Anjou, poſſeſſed by his anceſtors; and ſhould receive in exchange the provinces of Poictou, Xaintonge, l'Agenois, Perigord, the Limouſin, Quercy, Rovergue, l'Angoumois, and other diſtricts in that quarter, together with Calais, Guiſnes, Montreuil, and the county of Ponthieu, on the other ſide of France: That the full ſovereignty of all theſe provinces, as well as that of Guienne, ſhould be veſted in the crown of England, and that France ſhould renounce all title to feudal juriſdiction, homage, or appeal from them: That the king of Navarre ſhould be reſtored to all his honours and poſſeſſions: That Edward ſhould renounce his confederacy with the Flemings, John his connexions with the Scots: That the diſputes concerning the ſucceſſion of Britanny, between the families of Blois and Mountfort, ſhould be decided by arbiters appointed by the two kings; and if the competitors refuſed to ſubmit to the award, the diſpute ſhould no longer be a ground of war between the kingdoms: And that forty hoſtages, ſuch as ſhould be agreed on, ſhould be ſent to England as a ſecurity for the execution of all theſe conditions *.

In conſequence of this treaty, the king of France was brought over to Calais (8th July); whither Edward alſo ſoon after repaired: And there both princes ſolemnly ratified the treaty. John was ſent to Boulogne; the king accompanied him a mile on his journey; and the two monarchs parted with many profeſſions, probably cordial and ſincere, of mutual amity. The good diſpoſition of John made him fully ſenſible of the generous

* The hoſtages were the two ſons of the French king, John and Lewis; his brother Philip duke of Orleans, the duke of Bourbon, James de Bourbon count de Ponthieu, the counts d'Eu, de Longueville, de St. Pol, de Harcourt, de Vendome, de Couci, de Craon, de Montmorency, and many of the chief nobility of France. The princes were moſtly releaſed on the fulfilling of certain articles: Others of the hoſtages, and the duke of Berry among the reſt, were permitted to return upon their parole, which they did not keep.

treatment

treatment which he had received in England, and obliterated all memory of the aſcendant gained over him by his rival. There ſeldom has been a treaty of ſo great importance ſo faithfully executed by both parties. Edward had ſcarcely from the beginning entertained any hopes of acquiring the crown of France: By reſtoring John to his liberty, and making peace at a juncture ſo favourable to his arms, he had now plainly renounced all pretenſions of this nature: He had ſold at a very high price that chimerical claim: And had at preſent no other intereſt than to retain thoſe acquiſitions which he had made with ſuch ſingular prudence and good fortune. John, on the other hand, though the terms were ſevere, poſſeſſed ſuch fidelity and honour, that he was determined at all hazards to execute them, and to uſe every expedient for ſatisfying a monarch who had indeed been his greateſt political enemy, but had treated him perſonally with ſingular humanity and regard. But, notwithſtanding his endeavours, there occurred many difficulties in fulfilling his purpoſe; chiefly from the extreme reluctance which many towns and vaſſals in the neighbourhood of Guienne expreſſed againſt ſubmitting to the Engliſh dominion; and John, in order to adjuſt theſe differences, took a reſolution (1363) of coming over himſelf to England. His council endeavoured to diſſuade him from this raſh deſign; and probably would have been pleaſed to ſee him employ more chicanes for eluding the execution of ſo diſadvantageous a treaty: But John replied to them, that though good faith were baniſhed from the reſt of the earth, ſhe ought ſtill to retain her habitation in the breaſts of princes. Some hiſtorians would detract from the merit of this honourable conduct, by repreſenting John as enamoured of an Engliſh lady, to whom he was glad on this pretence to pay a viſit: But beſides that this ſurmiſe is not founded on any good authority, it appears ſomewhat unlikely, on account of the advanced age of that prince, who was now in his fifty-ſixth year. (1364.) He was lodged in the Savoy; the palace where he had reſided during his captivity, and where he ſoon after ſickened and died

(8th April). Nothing can be a ſtronger proof of the great dominion of fortune over men, than the calamities which purſued a monarch of ſuch eminent valour, goodneſs, and honour, and which he incurred merely by reaſon of ſome ſlight imprudences, which in other ſituations would have been of no importance. But though both his reign and that of his father proved extremely unfortunate to their kingdom, the French crown acquired, during their time, very conſiderable acceſſions, thoſe of Dauphiny and Burgundy. This latter province, however, John had the imprudence again to diſmember, by beſtowing it on Philip his fourth ſon, the object of his moſt tender affections; a deed which was afterwards the ſource of many calamities to the kingdom.

John was ſucceeded in the throne by Charles the dauphin, a prince educated in the ſchool of adverſity, and well qualified, by his conſummate prudence and experience, to repair all the loſſes which the kingdom had ſuſtained from the errors of his two predeceſſors. Contrary to the practice of all the great princes of thoſe times, which held nothing in eſtimation but military courage, he ſeems to have fixed it as a maxim never to appear at the head of his armies; and he was the firſt king in Europe that ſhowed the advantage of policy, foreſight, and judgment, above a raſh and precipitate valour. The events of his reign, compared with thoſe of the preceding, are a proof how little reaſon kingdoms have to value themſelves on their victories, or to be humbled by their defeats; which in reality ought to be aſcribed chiefly to the good or bad conduct of their rulers, and are of little moment towards determining national characters and manners.

Before Charles could think of counterbalancing ſo great a power as England, it was neceſſary for him to remedy the many diſorders to which his own kingdom was expoſed. He turned his arms againſt the king of Navarre, the great diſturber of France during that age: He defeated this prince by the conduct of Bertrand du Gueſclin, a gentleman of Britanny, one of the moſt ac-

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compliſhed characters of the age, whom he had the diſcernment to chuſe as the inſtrument of all his victories: And he obliged his enemy to accept of moderate terms of peace. Du Gueſclin was leſs fortunate in the wars of Britanny, which ſtill continued, notwithſtanding the mediation of France and England: He was defeated and taken priſoner at Auray by Chandos: Charles of Blois was there ſlain, and the young count of Mountfort ſoon after got entire poſſeſſion of that dutchy. But the prudence of Charles broke the force of this blow: He ſubmitted to the deciſion of fortune: He acknowledged the title of Mountfort, though a zealous partiſan of England; and received the proffered homage for his dominions. But the chief obſtacle which the French king met with in the ſettlement of the ſtate proceeded from obſcure enemies, whom their crimes alone rendered eminent, and their number dangerous.

On the concluſion of the treaty of Bretigni, the many military adventurers who had followed the ſtandard of Edward, being diſperſed into the ſeveral provinces, and poſſeſſed of ſtrong holds, refuſed to lay down their arms, or relinquiſh a courſe of life to which they were now accuſtomed, and by which alone they could gain a ſubſiſtence. They aſſociated themſelves with the banditti, who were already enured to the habits of rapine and violence; and under the name of the *companies* and *companions*, became a terror to all the peaceable inhabitants. Some Engliſh and Gaſcon gentlemen of character, particularly ſir Matthew Gournay, ſir Hugh Calverly, the chevalier Verte, and others, were not aſhamed to take the command of theſe ruffians, whoſe numbers amounted on the whole to near 40,000, and who bore the appearance of regular armies, rather than bands of robbers. Theſe leaders fought pitched battles with the troops of France, and gained victories; in one of which Jaques de Bourbon, a prince of the blood, was ſlain: And they proceeded to ſuch a height, that they wanted little but regular eſtabliſhments to become princes, and thereby ſanctify, by the maxims of the world, their infamous profeſſion. The greater ſpoil they committed on the

the country, the more eaſy they found it to recruit their number: All thoſe who were reduced to miſery and deſpair flocked to their ſtandard: The evil was every day increaſing: And though the pope declared them excommunicated, theſe military plunderers, however deeply affected with the ſentence, to which they paid a much greater regard than to any principles of morality, could not be induced by it to betake themſelves to peaceable or lawful profeſſions.

(1366.) As Charles was not able by power to redreſs ſo enormous a grievance, he was led by neceſſity, and by the turn of his character, to correct it by policy, and to contrive ſome method of diſcharging into foreign countries this dangerous and inteſtine evil.

Peter king of Caſtile, ſtigmatized by his contemporaries and by poſterity with the epithet of *Cruel*, had filled with blood and murder his kingdom and his own family; and having incurred the univerſal hatred of his ſubjects, he kept, from preſent terror alone, an anxious and precarious poſſeſſion of the throne. His nobles fell every day the victims of his ſeverity: He put to death ſeveral of his natural brothers from groundleſs jealouſy: Each murder, by multiplying his enemies, became the occaſion of freſh barbarities: And as he was not deſtitute of talents, his neighbours, no leſs than his own ſubjects, were alarmed at the progreſs of his violence and injuſtice. The ferocity of his temper, inſtead of being ſoftened by his ſtrong propenſity to love, was rather inflamed by that paſſion, and took thence new occaſion to exert itſelf. Inſtigated by Mary de Padilla, who had acquired the aſcendant over him, he threw into priſon Blanche de Bourbon, his wife, ſiſter to the queen of France; and ſoon after made way by poiſon for the eſpouſing of his miſtreſs.

Henry count of Tranſtamare, his natural brother, ſeeing the fate of every one who had become obnoxious to this tyrant, took arms againſt him; but being foiled in the attempt, he ſought for refuge in France, where he found the minds of men extremely inflamed againſt Peter, on account of his murder of the French princeſs. He

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aſked permiſſion of Charles to enliſt the *companies* in his ſervice, and to lead them into Caſtile; where, from the concurrence of his own friends, and the enemies of his brother, he had the proſpect of certain and immediate ſucceſs. The French king, charmed with the project, employed du Gueſclin in negotiating with the leaders of theſe banditti. The treaty was ſoon concluded. The high character of honour which that general poſſeſſed made every one truſt to his promiſes: Though the intended expedition was kept a ſecret, the companies implicitly inliſted under his ſtandard: And they required no other condition before their engagement, than an aſſurance that they were not to be led againſt the prince of Wales in Guienne. But that prince was ſo little averſe to the enterpriſe, that he allowed ſome gentlemen of his retinue to enter into the ſervice under du Gueſclin.

Du Gueſclin, having completed his levies, led the army firſt to Avignon, where the pope then reſided, and demanded, ſword in hand, an abſolution for his ſoldiers, and the ſum of 200,000 livres. The firſt was readily promiſed him; ſome more difficulty was made with regard to the ſecond. "I believe that my fellows," replied du Gueſclin, "may make a ſhift to do without "your abſolution; but the money is abſolutely neceſ-"ſary." The pope then extorted from the inhabitants in the city and neighbourhood the ſum of a hundred thouſand livres, and offered it to du Gueſclin. "It is "not my purpoſe," cried that generous warrior, "to "oppreſs the innocent people. The pope and his car-"dinals themſelves can well ſpare me that ſum from "their own coffers. This money, I inſiſt, muſt be "reſtored to the owners. And ſhould they be defraud-"ed of it, I ſhall myſelf return from the other ſide of the "Pyrennees, and oblige you to make them reſtitution." The pope found the neceſſity of ſubmitting, and paid him from his treaſury the ſum demanded. The army, hallowed by the bleſſings, and enriched by the ſpoils of the church, proceeded on their expedition.

Theſe experienced and hardy ſoldiers, conducted by ſo able a general, eaſily prevailed over the king of Caſ-

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tile, whoſe ſubjects, inſtead of ſupporting their oppreſſor, were ready to join the enemy againſt him. Peter fled from his dominions, took ſhelter in Guienne, and craved the protection of the prince of Wales, whom his father had inveſted with the ſovereignty of theſe conquered provinces, by the title of the principality of Aquitaine. The prince ſeemed now to have entirely changed his ſentiments with regard to the Spaniſh tranſactions: Whether that he was moved by the generoſity of ſupporting a diſtreſſed prince, and thought, as is but too uſual among ſovereigns, that the rights of the people were a matter of much leſs conſideration; or dreaded the acquiſition of ſo powerful a confederate to France as the new king of Caſtile; or, what is moſt probable, was impatient of reſt and eaſe, and ſought only an opportunity for exerting his military talents, by which he had already acquired ſo much renown. (1367.) He promiſed his aſſiſtance to the dethroned monarch; and having obtained the conſent of his father, he levied a great army, and ſet out upon his enterpriſe. He was accompanied by his younger brother, John of Gaunt, created duke of Lancaſter, in the room of the good prince of that name, who had died without any male iſſue, and whoſe daughter he had eſpouſed. Chandos alſo, who bore among the Engliſh the ſame character which du Gueſclin had acquired among the French, commanded under him in this expedition.

The firſt blow which the prince of Wales gave to Henry of Tranſtamare, was the recalling of all the *companies* from his ſervice; and ſo much reverence did they bear to the name of Edward, that great numbers of them immediately withdrew from Spain, and inliſted under his banners. Henry however, beloved by his new ſubjects, and ſupported by the king of Arragon and others of his neighbours, was able to meet the enemy with an army of 100,000 men; forces three times more numerous than thoſe which were commanded by Edward. Du Gueſclin, and all his experienced officers, adviſed him to delay any deciſive action, to cut off the prince of Wales's proviſions, and to avoid every engagement with a ge-

a general, whoſe enterpriſes had hitherto been always conducted with prudence and crowned with ſucceſs. Henry truſted too much to his numbers; and ventured (3d April) to encounter the Engliſh prince at Najara. Hiſtorians of that age are commonly very copious in deſcribing the ſhock of armies in battle, the valour of the combatants, the ſlaughter and various ſucceſſes of the day: But though ſmall rencounters in thoſe times were often well diſputed, military diſcipline was always too imperfect to preſerve order in great armies; and ſuch actions deſerve more the name of routs than of battles. Henry was chaſed off the field, with the loſs of above 20,000 men: There periſhed only four knights and forty private men on the ſide of the Engliſh.

Peter, who ſo well merited the infamous epithet which he bore, purpoſed to murder all his priſoners in cold blood; but was reſtrained from this barbarity by the remonſtrances of the prince of Wales. All Caſtile now ſubmitted to the victor: Peter was reſtored to the throne: And Edward finiſhed this perilous enterpriſe with his uſual glory. But he had ſoon reaſon to repent his connexions with a man like Peter, abandoned to all ſenſe of virtue and honour. The ungrateful tyrant refuſed the ſtipulated pay to the Engliſh forces; and Edward, finding his ſoldiers daily periſh by ſickneſs, and even his own health impaired by the climate, was obliged, without receiving any ſatisfaction on this head, to return into Guienne.

The barbarities exerciſed by Peter over his helpleſs ſubjects, whom he now regarded as vanquiſhed rebels, revived all the animoſity of the Caſtilians againſt him; and on the return of Henry of Tranſtamare, together with du Gueſclin, and ſome forces levied anew in France, the tyrant was again dethroned, and was taken priſoner. His brother, in reſentment of his cruelties, murdered him with his own hand; and was placed on the throne of Caſtile, which he tranſmitted to his poſterity. The duke of Lancaſter, who eſpouſed in ſecond marriage the eldeſt daughter of Peter, inherited only the empty title of that ſovereignty, and, by claiming the ſucceſſion, increaſed

increaſed the animoſity of the new king of Caſtile againſt England.

(1368.) But the prejudice which the affairs of prince Edward received from this ſplendid though imprudent expedition, ended not with it. He had involved himſelf in ſo much debt, by his preparations and the pay of his troops, that he found it neceſſary, on his return, to impoſe on his principality a new tax, to which ſome of the nobility conſented with extreme reluctance, and to which others abſolutely refuſed to ſubmit *. This incident revived the animoſity which the inhabitants bore to the Engliſh, and which all the amiable qualities of the prince of Wales were not able to mitigate or aſſuage. They complained that they were conſidered as a conquered people, that their privileges were diſregarded, that all truſt was given to the Engliſh alone, that every office of honour and profit was conferred on theſe foreigners, and that the extreme reluctance which moſt of them had expreſſed to receive the new yoke, was likely to be long remembered againſt them. They caſt, therefore, their eyes towards their ancient ſovereign, whoſe prudence they found had now brought the affairs of his kingdom into excellent order; and the counts of Armagnac, Commi[illegible]ge, and Perigord, the lord d'Albret, with other nobles, went to Paris, and were encouraged to carry their complaints to Charles, as to their lord paramount, againſt theſe oppreſſions of the Engliſh government.

In the treaty of Bretigni it had been ſtipulated that

* This tax was a livre upon a hearth; and it was imagined that the impoſition would have yielded 1,200,00 livres a year, which ſuppoſes ſo many hearths in the provinces poſſeſſed by the Engliſh. But ſuch looſe conjectures have commonly no manner of authority, much leſs in ſuch ignorant times. There is a ſtrong inſtance of it in the preſent reign. The houſe of commons granted the king a tax of twenty-two ſhillings on each pariſh, ſuppoſing that the amount of the whole would be 50,000 pounds. But they were found to be in a miſtake of near five to one. And the council aſſumed the power of augmenting the tax upon each pariſh.

the two kings ſhould make renunciations, Edward of his claim to the crown of France, and to the provinces of Normandy, Maine, and Anjou; John of the homage and fealty due for Guienne, and the other provinces ceded to the Engliſh. But when that treaty was confirmed and renewed at Calais, it was found neceſſary, as Edward was not yet in poſſeſſion of all the territories, that the mutual renunciations ſhould for ſome time be deferred; and it was agreed that the parties meanwhile ſhould make no uſe of their reſpective claims againſt each other. Though the failure in exchanging theſe renunciations had ſtill proceeded from France, Edward appears to have taken no umbrage at it; both becauſe this clauſe ſeemed to give him entire ſecurity, and becauſe ſome reaſonable apology had probably been made to him for each delay. It was, however, on this pretence, though directly contrary to treaty, that Charles reſolved to ground his claim, of ſtill conſidering himſelf as ſuperior lord of thoſe provinces, and of receiving the appeals of his ſub-vaſſals.

(1369.) But as views of policy, more than thoſe of juſtice, enter into the deliberations of princes; and as the mortal injuries received from the Engliſh, the pride of their triumphs, the ſevere terms impoſed by the treaty of peace, ſeemed to render every prudent means of revenge honourable againſt them; Charles was determined to take this meaſure, leſs by the reaſonings of his civilians and lawyers than by the preſent ſituation of the two monarchies. He conſidered the declining years of Edward, the languiſhing ſtate of the prince of Wales's health, the affection which the inhabitants of all theſe provinces bore to their ancient maſter, their diſtance from England, their vicinity to France, the extreme animoſity expreſſed by his own ſubjects againſt theſe invaders, and their ardent thirſt of vengeance; and having ſilently made all the neceſſary preparations, he ſent to the prince of Wales a ſummons to appear in his court at Paris, and there to juſtify his conduct towards his vaſſals. The prince replied, that he would come to Paris; but it ſhould be at the head of ſixty thouſand men. The unwarlike character of Charles kept prince Edward, even

yet, from thinking that that monarch was in earneſt in this bold and hazardous attempt.

(1370.) It ſoon appeared what a poor return the king had received by his diſtant conqueſts for all the blood and treaſure expended in the quarrel, and how impoſſible it was to retain acquiſitions, in an age when no regular force could be maintained ſufficient to defend them againſt the revolt of the inhabitants, eſpecially if that danger was joined with the invaſion of a foreign enemy. Charles fell firſt upon Ponthieu, which gave the Engliſh an inlet into the heart of France: The citizens of Abbeville opened their gates to him: Thoſe of St. Valori, Rue, and Crotoy, imitated the example, and the whole country was in a little time reduced to ſubmiſſion. The dukes of Berri and Anjou, brothers to Charles, being aſſiſted by du Gueſclin, who was recalled from Spain, invaded the ſouthern provinces; and by means of their good conduct, the favourable diſpoſitions of the people, and the ardour of the French nobility, they made every day conſiderable progreſs againſt the Engliſh. The ſtate of the prince of Wales's health did not permit him to mount on horſeback, or exert his uſual activity. Chandos, the conſtable of Guienne, was ſlain in one action: The Captal de Buche, who ſucceeded him in that office, was taken priſoner in another: And when young Edward himſelf was obliged by his increaſing infirmities to throw up the command, and return to his native country, the affairs of the Engliſh in the ſouth of France ſeemed to be menaced with total ruin.

The king, incenſed at theſe injuries, threatened to put to death all the French hoſtages who remained in his hands; but on reflection abſtained from that ungenerous revenge. After reſuming, by advice of parliament, the vain title of king of France, he endeavoured to ſend ſuccours into Gaſcony; but all his attempts both by ſea and land proved unſucceſsful. The earl of Pembroke was intercepted at ſea, and taken priſoner with his whole army near Rochelle, by a fleet which the king of Caſtile had fitted out for that purpoſe: Edward himſelf

ſelf embarked for Bourdeaux with another army; but was ſo long detained by contrary winds, that he was obliged to lay aſide the enterpriſe. Sir Robert Knolles, at the head of 30,000 men, marched out of Calais, and continued his ravages to the gates of Paris, without being able to provoke the enemy to an engagement: He proceeded in his march to the provinces of Maine and Anjou, which he laid waſte; but part of his army being there defeated by the conduct of du Gueſclin, who was now created conſtable of France, and who ſeems to have been the firſt conſummate general that had yet appeared in Europe, the reſt were ſcattered and diſperſed, and the ſmall remains of the Engliſh forces, inſtead of reaching Guienne, took ſhelter in Britanny, whoſe ſovereign had embraced the alliance of England. The duke of Lancaſter, ſome time after, made a like attempt with an army of 25,000 men; and marched the whole length of France from Calais to Bourdeaux; but was ſo much haraſſed by the flying parties which attended him, that he brought not the half of his army to the place of their deſtination. Edward, from the neceſſity of his affairs, was at laſt obliged to conclude a truce with the enemy; after almoſt all his ancient poſſeſſions in France had been raviſhed from him, except Bourdeaux and Bayonne, and all his conqueſts, except Calais.

The decline of the king's life was expoſed to many mortifications, and correſponded not to the ſplendid and noiſy ſcenes which had filled the beginning and the middle of it. Beſides ſeeing the loſs of his foreign dominions, and being baffled in every attempt to defend them; he felt the decay of his authority at home, and experienced, from the ſharpneſs of ſome parliamentary remonſtrances, the great inconſtancy of the people, and the influence of preſent fortune over all their judgments. This prince, who, during the vigour of his age, had been chiefly occupied in the purſuits of war and ambition, began, at an unſeaſonable period, to indulge himſelf in pleaſure; and being now a widower, he attached himſelf to a lady of ſenſe and ſpirit, one Alice

Pierce, who acquired a great aſcendant over him, and by her influence gave ſuch general diſguſt, that, in order to ſatisfy the parliament, he was obliged to remove her from court. The indolence alſo, naturally attending old age and infirmities, had made him, in a great meaſure, reſign the adminiſtration into the hands of his ſon the duke of Lancaſter, who, as he was far from being popular, weakened extremely the affection which the Engliſh bore to the perſon and government of the king. Men carried their jealouſies very far againſt the duke; and as they ſaw, with much regret, the death of the prince of Wales every day approaching, they apprehended, leſt the ſucceſſion of his ſon Richard, now a minor, ſhould be defeated by the intrigues of Lancaſter, and by the weak indulgence of the old king. But Edward, in order to ſatisfy both the people and the prince on this head, declared in parliament his grandſon heir and ſucceſſor to the crown; and thereby cut off all the hopes of the duke of Lancaſter, if he ever had the temerity to entertain any.

The prince of Wales, after a lingering illneſs, died in the forty-ſixth year of his age (1376, 8th June); and left a character illuſtrious for every eminent virtue, and from his earlieſt youth, till the hour he expired, unſtained by any blemiſh. His valour and military talents formed the ſmalleſt part of his merit: His generoſity, humanity, affability, moderation, gained him the affections of all men; and he was qualified to throw a luſtre, not only on that rude age in which he lived, and which nowiſe infected him with its vices, but on the moſt ſhining period of ancient or modern hiſtory. The king ſurvived about a year this melancholy incident: England was deprived at once of both theſe princes, its chief ornament and ſupport: He expired (1377, 21ſt June) in the ſixty-fifth year of his age and the fifty-firſt of his reign; and the people were then ſenſible, though too late, of the irreparable loſs which they had ſuſtained.

The Engliſh are apt to conſider with peculiar fondneſs the hiſtory of Edward III. and to eſteem his reign,

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as it was one of the longeſt, the moſt glorious alſo, that occurs in the annals of their nation. The aſcendant which they then began to acquire over France, their rival and ſuppoſed national enemy, makes them caſt their eyes on this period with great complacency, and ſanctifies every meaſure which Edward embraced for that end. But the domeſtic government of this prince is really more admirable than his foreign victories; and England enjoyed, by the prudence and vigour of his adminiſtration, a longer interval of domeſtic peace and tranquillity than ſhe had been bleſt with in any former period, or than ſhe experienced for many ages after. He gained the affections of the great, yet curbed their licentiouſneſs: He made them feel his power, without their daring, or even being inclined, to murmur at it: His affable and obliging behaviour, his munificence and generoſity, made them ſubmit with pleaſure to his dominion; his valour and conduct made them ſucceſsful in moſt of their enterpriſes; and their unquiet ſpirits, directed againſt a public enemy, had no leiſure to breed thoſe diſturbances to which they were naturally ſo much inclined, and which the frame of the government ſeemed ſo much to authoriſe. This was the chief benefit which reſulted from Edward's victories and conqueſts. His foreign wars were, in other reſpects, neither founded in juſtice, nor directed to any ſalutary purpoſe. His attempt againſt the king of Scotland, a minor and a brother-in-law, and the revival of his grandfather's claim of ſuperiority over that kingdom, were both unreaſonable and ungenerous; and he allowed himſelf to be too eaſily ſeduced, by the glaring proſpect of French conqueſts, from the acquiſition of a point which was practicable, and which, if attained, might really have been of laſting utility to his country and his ſucceſſors. The ſucceſs which he met with in France, though chiefly owing to his eminent talents, was unexpected; and yet, from the very nature of things, not from any unforeſeen accidents, was found, even during his life-time, to have procured him no ſolid advantages. But the glory of a conqueror is ſo dazzling to the vulgar, the ani-

moſity of nations is ſo violent, that the fruitleſs deſolation of ſo fine a part of Europe as France, is totally diſregarded by us, and is never conſidered as a blemiſh in the character or conduct of this prince. And indeed, from the unfortunate ſtate of human nature, it will commonly happen, that a ſovereign of genius, ſuch as Edward, who uſually finds every thing eaſy in his domeſtic government, will turn himſelf towards military enterpriſes, where alone he meets with oppoſition, and where he has full exerciſe for his induſtry and capacity.

Edward had a numerous poſterity by his queen Philippa of Hainault. His eldeſt ſon was the heroic Edward, uſually denominated the Black Prince, from the colour of his armour. This prince eſpouſed his couſin Joan, commonly called the *Fair Maid of Kent*, daughter and heir of his uncle, the earl of Kent, who was beheaded in the beginning of this reign. She was firſt married to ſir Thomas Holland, by whom ſhe had children. By the prince of Wales ſhe had a ſon, Richard, who alone ſurvived his father.

The ſecond ſon of king Edward (for we paſs over ſuch as died in their childhood) was Lionel duke of Clarence, who was firſt married to Elizabeth de Burgh, daughter and heir of the earl of Ulſter, by whom he left only one daughter, married to Edmund Mortimer earl of Marche. Lionel eſpouſed in ſecond marriage Violante the daughter of the duke of Milan, and died in Italy ſoon after the conſummation of his nuptials, without leaving any poſterity by that princeſs. Of all the family, he reſembled moſt his father and elder brother in his noble qualities.

Edward's third ſon was John of Gaunt, ſo called from the place of his birth: He was created duke of Lancaſter; and from him ſprang that branch which afterwards poſſeſſed the crown. The fourth ſon of this royal family was Edmund, created earl of Cambridge by his father, and duke of York by his nephew. The fifth ſon was Thomas, who received the title of earl of Buckingham from his father, and that of duke of Glo-

ceſter

ceſter from his nephew. In order to prevent confuſion, we ſhall always diſtinguiſh theſe two princes by the titles of York and Gloceſter, even before they were advanced to them.

There were alſo ſeveral princes born to Edward by Philippa; to wit, Iſabella, Joan, Mary, and Margaret, who eſpouſed, in the order of their names, Ingelram de Coucy earl of Bedford, Alphonſo king of Caſtile, John of Mountfort duke of Britanny, and John Haſtings earl of Pembroke. The princeſs Joan died at Bourdeaux before the conſummation of her marriage.

It is remarked by an elegant hiſtorian *, that conquerors, though uſually the bane of human-kind, proved often, in thoſe feudal times, the moſt indulgent of ſovereigns. They ſtood moſt in need of ſupplies from their people; and, not being able to compel them by force to ſubmit to the neceſſary impoſitions, they were obliged to make them ſome compenſation by equitable laws and popular conceſſions. This remark is, in ſome meaſure, though imperfectly, juſtified by the conduct of Edward III. He took no ſteps of moment without conſulting his parliament and obtaining their approbation, which he afterwards pleaded as a reaſon for their ſupporting his meaſures. The parliament, therefore, roſe into greater conſideration during his reign, and acquired more regular authority, than in any former time; and even the houſe of commons, which, during turbulent and factious periods, was naturally depreſſed by the greater power of the crown and barons, began to appear of ſome weight in the conſtitution. In the later years of Edward, the king's miniſters were impeached in parliament, particularly lord Latimer, who fell a ſacrifice to the authority of the commons; and they even obliged the king to baniſh his miſtreſs by their remonſtrances. Some attention was alſo paid to the election of their members; and lawyers, in particular, who were at that time men of character ſome-

* Dr. Robertſon's Hiſt. of Scotland, B. i.

what

what inferior, were totally excluded the houſe during ſeveral parliaments.

One of the moſt popular laws enacted by any prince, was the ſtatute which paſſed in the twenty-fifth of this reign, and which limited the caſes of high treaſon, before vague and uncertain, to three principal heads, conſpiring the death of the king, levying war againſt him, and adhering to his enemies; and the judges were prohibited, if any other caſes ſhould occur, from inflicting the penalty of treaſon without an application to parliament. The bounds of treaſon were indeed ſo much limited by this ſtatute, which ſtill remains in force without any alteration, that the lawyers were obliged to enlarge them, and to explain a conſpiracy for levying war againſt the king, to be equivalent to a conſpiracy againſt his life; and this interpretation, ſeemingly forced, has, from the neceſſity of the caſe, been tacitly acquieſced in. It was alſo ordained, that a parliament ſhould be held once a year, or oftener, if need be: A law which, like many others, was never obſerved, and loſt its authority by diſuſe.

Edward granted above twenty parliamentary confirmations of the Great Charter; and theſe conceſſions are commonly appealed to as proofs of his great indulgence to the people, and his tender regard for their liberties. But the contrary preſumption is more natural. If the maxims of Edward's reign had not been in general ſomewhat arbitrary, and if the Great Charter had not been frequently violated, the parliament would never have applied for theſe frequent confirmations, which could add no force to a deed regularly obſerved, and which could ſerve to no other purpoſe than to prevent the contrary precedents from turning into a rule, and acquiring authority. It was indeed the effect of the irregular government during thoſe ages, that a ſtatute which had been enacted ſome years, inſtead of acquiring, was imagined to loſe force by time, and needed to be often renewed by recent ſtatutes of the ſame ſenſe and tenour. Hence, likewiſe, that general clauſe ſo frequent

frequent in old acts of parliament, that the ſtatutes enacted by the king's progenitors ſhould be obſerved; a precaution which, if we do not conſider the circumſtances of the times, might appear abſurd and ridiculous. The frequent confirmations, in general terms, of the privileges of the church, proceeded from the ſame cauſe.

It is a clauſe in one of Edward's ſtatutes, *that no man, of what ſtate or condition ſoever, ſhall be put out of land or tenement, nor taken, nor impriſoned, nor diſherited, nor put to death, without being brought in anſwer by due proceſs of the law.* This privilege was ſufficiently ſecured by a clauſe of the Great Charter, which had received a general confirmation in the firſt chapter of the ſame ſtatute. Why then is the clauſe ſo anxiouſly, and, as we may think, ſo ſuperfluouſly repeated? Plainly, becauſe there had been ſome late infringements of it, which gave umbrage to the commons *.

But there is no article in which the laws are more frequently repeated during this reign, almoſt in the ſame terms, than that of purveyance, which the parliament always calls an *outrageous* and *intolerable* grievance, and the ſource of *infinite* damage to the people. The parliament tried to aboliſh this prerogative altogether, by prohibiting any one from taking goods without the conſent of the owners, and by changing the *heinous name of purveyors*, as they term it, into that of *buyers*: But the arbitrary conduct of Edward ſtill brought back the grievance upon them; though contrary both to the Great Charter and to many ſtatutes. This diſorder was in a great meaſure derived from the ſtate of the public finances and of the kingdom; and could therefore the leſs admit of remedy. The prince frequently wanted ready money; yet his family muſt be ſubſiſted: He was therefore obliged to employ force and violence for that purpoſe, and to give tallies, at what rate he

* They aſſert, in the 15th of this reign, that there had been ſuch inſtances. Cotton's Abridg. p. 31. They repeat the ſame in the 21ſt year. See p. 59.

pleaſed,

pleaſed, to the owners of the goods which he laid hold of. The kingdom alſo abounded ſo little in commodities, and the interior communication was ſo imperfect, that, had the owners been ſtrictly protected by law, they could eaſily have exacted any price from the king; eſpecially in his frequent progreſſes when he came to diſtant and poor places, where the court did not uſually reſide, and where a regular plan for ſupplying it could not eaſily be eſtabliſhed. Not only the king, but ſeveral great lords, inſiſted upon this right of purveyance.

The magnificent caſtle of Windſor was built by Edward III. and his method of conducting the work may ſerve as a ſpecimen of the condition of the people in that age. Inſtead of engaging workmen by contracts and wages, he aſſeſſed every county in England to ſend him a certain number of maſons, tilers, and carpenters, as if he had been levying an army.

They miſtake, indeed, very much the genius of this reign, who imagine that it was not extremely arbitrary. All the high prerogatives of the crown were to the full exerted in it; but what gave ſome conſolation, and promiſed in time ſome relief to the people, they were always complained of by the commons: Such as the diſpenſing power; the extenſion of the foreſts; erecting monopolies; exacting loans; ſtopping juſtice by particular warrants; the renewal of the commiſſion of *trailbaton*; preſſing men and ſhips into the public ſervice; levying arbitrary and exorbitant fines; extending the authority of the privy council or ſtar-chamber to the deciſion of private cauſes; enlarging the power of the mareſchal's and other arbitrary courts; impriſoning members for freedom of ſpeech in parliament; obliging people, without any rule, to ſend recruits of men at arms, archers, and hoblers, to the army.

But there was no act of arbitrary power more frequently repeated in this reign, than that of impoſing taxes without conſent of parliament. Though that aſſembly granted the king greater ſupplies than had ever been obtained by any of his predeceſſors, his great under-

undertakings, and the neceſſity of his affairs, obliged him to levy ſtill more; and after his ſplendid ſucceſs againſt France had added weight to his authority, theſe arbitrary impoſitions became almoſt annual and perpetual. Cotton's Abridgment of the Records affords numerous inſtances of this kind, in the firſt year of his reign, in the thirteenth year, in the fourteenth, in the twentieth, in the twenty-firſt, in the twenty-ſecond, in the twenty-fifth, in the thirty-eighth, in the fiftieth, and in the fifty-firſt.

The king openly avowed and maintained this power of levying taxes at pleaſure. At one time he replied to the remonſtrance made by the commons againſt it, that the impoſitions had been exacted from great neceſſity, and had been aſſented to by the prelates, earls, barons, and *ſome* of the commons *; at another, that he would adviſe with his council. When the parliament deſired that a law might be enacted for the puniſhment of ſuch as levied theſe arbitrary impoſitions, he refuſed compliance. In the ſubſequent year they deſired that the king might renounce this pretended prerogative; but his anſwer was, that he would levy no taxes without neceſſity, for the defence of the realm, and where he reaſonably might uſe that authority. This incident paſſed a few days before his death; and theſe were, in a manner, his laſt words to his people. It would ſeem that the famous charter or ſtatute of Edward I. *de tallagio non concedendo*, though never repealed, was ſuppoſed to have already loſt, by age, all its authority.

Theſe facts can only ſhow the *practice* of the times: For as to the *right*, the continual remonſtrances of the commons may ſeem to prove that it rather lay on their ſide: At leaſt, theſe remonſtrances ſerved to prevent the arbitrary practices of the court from becoming an eſtabliſhed part of the conſtitution. In ſo much a better condition were the privileges of the people, even during the arbitrary reign of Edward III. than during ſome

* Cotton, p. 53. He repeats the ſame anſwer in p. 60. *Some of the commons* were ſuch as he ſhould be pleaſed to conſult with.

ſub-

ſubſequent ones, particularly thoſe of the Tudors, where no tyranny or abuſe of power ever met with any check or oppoſition, or ſo much as a remonſtrance, from parliament.

In this reign we find, according to the ſentiments of an ingenious and learned author *, the firſt ſtrongly marked, and probably conteſted, diſtinction between a proclamation by the king and his privy-council, and a law which had received the aſſent of the lords and commons.

It is eaſy to imagine that a prince of ſo much ſenſe and ſpirit as Edward, would be no ſlave to the court of Rome. Though the old tribute was paid during ſome years of his minority, he afterwards withheld it; and when the pope, in 1367, threatened to cite him to the court of Rome for default of payment, he laid the matter before his parliament. That aſſemby unanimouſly declared, that king John could not, without a national conſent, ſubject his kingdom to a foreign power: And that they were therefore determined to ſupport their ſovereign againſt this unjuſt pretenſion.

During this reign, the ſtatute of proviſors was enacted, rendering it penal to procure any preſentations to benefices from the court of Rome, and ſecuring the rights of all patrons and electors, which had been extremely encroached on by the pope. By a ſubſequent ſtatute, every perſon was outlawed who carried any cauſe by appeal to the court of Rome.

The laity, at this time, ſeem to have been extremely prejudiced againſt the papal power, and even ſomewhat againſt their own clergy, becauſe of their connexions with the Roman pontiff. The parliament pretended that the uſurpations of the pope were the cauſe of all the plagues, injuries, famine, and poverty of the realm; were more deſtructive to it than all the wars; and were the reaſon why it contained not a third of the inhabitants and commodities which it formerly poſſeſſed: That the taxes levied by him exceeded five times thoſe which were paid to the king: That every thing was venal in

* Obſervations on the Statutes, p. 193.

that

that ſinful city of Rome; and that even the patrons in England had thence learned to practiſe ſimony without ſhame or remorſe. At another time they petition the king to employ no churchman in any office of ſtate; and they even ſpeak in plain terms of expelling by force the papal authority, and thereby providing a remedy againſt oppreſſions, which they neither could nor would any longer endure. Men who talked in this ſtrain were not far from the reformation: But Edward did not think proper to ſecond all this zeal: Though he paſſed the ſtatute of proviſors, he took little care of its execution; and the parliament made frequent complaints of his negligence on this head. He was content with having reduced ſuch of the Romiſh eccleſiaſtics as poſſeſſed revenues in England, to depend entirely upon him by means of that ſtatute.

As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and diſorder, to which England was ſo often expoſed: Yet were there ſeveral vices in the conſtitution, the bad conſequences of which, all the power and vigilance of the king could not prevent. The barons, by their confederacies with thoſe of their own order, and by ſupporting and defending their retainers in every iniquity, were the chief abettors of robbers, murderers, and ruffians of all kinds; and no law could be executed againſt thoſe criminals. The nobility were brought to give their promiſe in parliament, that they would not avow, retain, or ſupport, any felon or breaker of the law; yet this engagement, which we may wonder to ſee exacted from men of their rank, was never regarded by them. The commons make continual complaints of the multitude of robberies, murders, rapes, and other diſorders, which, they ſay, were become numberleſs in every part of the kingdom, and which they always aſcribe to the protection that the criminals received from the great. The king of Cyprus, who paid a viſit to England in this reign, was robbed and ſtripped on the highway, with his whole retinue. Edward himſelf contributed to this

diſſolution of law, by his facility in granting pardons to felons from the ſolicitation of the courtiers. Laws were made to retrench this prerogative, and remonſtrances of the commons were preſented againſt the abuſe of it: But to no purpoſe. The gratifying of a powerful nobleman continued ſtill to be of more importance than the protection of the people. The king alſo granted many franchiſes, which interrupted the courſe of juſtice, and the execution of the laws.

Commerce and induſtry were certainly at a very low ebb during this period. The bad police of the country alone affords a ſufficient reaſon. The only exports were wool, ſkins, hides, leather, butter, tin, lead, and ſuch unmanufactured goods, of which wool was by far the moſt conſiderable. Knyghton has aſſerted, that 100,000 ſacks of wool were annually exported, and ſold at twenty pounds a ſack, money of that age. But he is widely miſtaken, both in the quantity exported and in the value. In 1349, the parliament remonſtrate that the king, by an illegal impoſition of forty ſhillings on each ſack exported, had levied 60,000 pounds a year: Which reduces the annual exports to 30,000 ſacks. A ſack contained twenty-ſix ſtone, and each ſtone fourteen pounds; and at a medium was not valued at above five pounds a ſack, that is, fourteen or fifteen pounds of our preſent money. Knyghton's computation raiſes it to ſixty pounds, which is near four times the preſent price of wool in England. According to this reduced computation, the export of wool brought into the kingdom about 450,000 pounds of our preſent money, inſtead of ſix millions, which is an extravagant ſum. Even the former ſum is ſo high as to afford a ſuſpicion of ſome miſtake in the computation of the parliament with regard to the number of ſacks exported. Such miſtakes were very uſual in thoſe ages.

Edward endeavoured to introduce and promote the woollen manufacture, by giving protection and encouragement to foreign weavers, and by enacting a law, which prohibited every one from wearing any cloth but of Engliſh fabric. The parliament prohibited the exportation

portation of woollen goods, which was not ſo well judged, eſpecially while the exportation of unwrought wool was ſo much allowed and encouraged. A like injudicious law was made againſt the exportation of manufactured iron.

It appears from a record in the Exchequer, that in 1354 the exports of England amounted to 294,184 pounds ſeventeen ſhillings and twopence: The imports to 38,970 pounds three ſhillings and ſixpence, money of that time. This is a great balance, conſidering that it aroſe wholly from the exportation of raw wool and other rough materials. The import was chiefly linen and fine cloth, and ſome wine. England ſeems to have been extremely drained at this time by Edward's foreign expeditions and foreign ſubſidies, which probably was the reaſon why the exports ſo much exceed the imports.

The firſt toll we read of in England for mending the highways, was impoſed in this reign: It was that for repairing the road between St. Giles's and Temple-Bar.

In the firſt of Richard II. the parliament complain extremely of the decay of ſhipping during the preceding reign, and aſſert, that one ſea-port formerly contained more veſſels than were then to be found in the whole kingdom. This calamity they aſcribe to the arbitrary ſeizure of ſhips by Edward for the ſervice of his frequent expeditions. The parliament in the fifth of Richard renew the ſame complaint; and we likewiſe find it made in the forty-ſixth of Edward III. So falſe is the common opinion, that this reign was favourable to commerce.

There is an order of this king directed to the mayor and ſheriffs of London, to take up all ſhips of forty ton and upwards, to be converted into ſhips of war.

The parliament attempted the impracticable ſcheme of reducing the price of labour after the peſtilence, and alſo that of poultry. A reaper, in the firſt week of Auguſt, was not allowed above twopence a day, or near ſixpence of our preſent money; in the ſecond week a third more. A maſter carpenter was limited through

the whole year to threepence a day, a common carpenter to twopence, money of that age. It is remarkable, that in the ſame reign, the pay of a common ſoldier, an archer, was ſixpence a day; which, by the change both in denomination and value, would be equivalent to near five ſhillings of our preſent money *. Soldiers were then inliſted only for a very ſhort time: They lived idle all the reſt of the year, and commonly all the reſt of their lives: One ſucceſsful campaign, by pay and plunder, and the ranſom of priſoners, was ſuppoſed to be a ſmall fortune to a man; which was a great allurement to enter into the ſervice †.

The ſtaple of wool, wool-fells, leather, and lead, was fixed by act of parliament in particular towns of England. Afterwards it was removed by law to Calais: But Edward, who commonly deemed his prerogative above law, paid little regard to theſe ſtatutes; and when the parliament remonſtrated with him on account of thoſe acts of power, he plainly told them, that he would proceed in that matter as he thought proper. It is not eaſy to aſſign the reaſon of this great anxiety for fixing a ſtaple; unleſs perhaps it invited foreigners to a market, when they knew beforehand that they ſhould there meet with great choice of any particular ſpecies of commodity. This policy of inviting

* The pay of a man at arms was quadruple. We may therefore conclude that the numerous armies, mentioned by hiſtorians in thoſe times, conſiſted chiefly of ragamuffins, who followed the camp, and lived by plunder. Edward's army before Calais conſiſted of 31,094 men; yet its pay for ſixteen months was only 127,201 pounds.

† Commodities ſeem to have riſen ſince the Conqueſt. Inſtead of being ten times cheaper than at preſent, they were, in the age of Edward III. only three or four times. This change ſeems to have taken place in a great meaſure ſince Edward I. The allowance granted by Edward III. to the earl of Murray, then a priſoner in Nottingham caſtle, is one pound a week; whereas the biſhop of St. Andrews, the primate of Scotland, had only ſixpence a day allowed him by Edward I.

foreigners

foreigners to Calais was carried ſo far, that all Engliſh merchants were prohibited by law from exporting any Engliſh goods from the ſtaple; which was in a manner the total abandoning of all foreign navigation, except that to Calais: A contrivance ſeemingly extraordinary.

It was not till the middle of this century that the Engliſh began to extend their navigation even to the Baltic; nor till the middle of the ſubſequent, that they ſailed to the Mediterranean.

Luxury was complained of in that age, as well as in others of more refinement; and attempts were made by parliament to reſtrain it, particularly on the head of apparel, where ſurely it is the moſt obviouſly innocent and inoffenſive. No man under a hundred a year was allowed to wear gold, ſilver, or ſilk in his clothes: Servants alſo were prohibited from eating fleſh meat or fiſh above once a day. By another law it was ordained, that no one ſhould be allowed either for dinner or ſupper, above three diſhes in each courſe, and not above two courſes: And it is likewiſe expreſly declared, that *ſouſed* meat is to count as one of theſe diſhes. It was eaſy to foreſee that ſuch ridiculous laws muſt prove ineffectual, and could never be executed.

The uſe of the French language in pleadings and public deeds was aboliſhed. It may appear ſtrange that the nation ſhould ſo long have worn this badge of conqueſt: But the king and nobility ſeem never to have become thoroughly Engliſh, or to have forgotten their French extraction, till Edward's wars with France gave them an antipathy to that nation. Yet ſtill it was long before the uſe of the Engliſh tongue came into faſhion. The firſt Engliſh paper which we meet with in Rymer is in the year 1386, during the reign of Richard II *. There are Spaniſh papers in that collection of more ancient date; And the uſe of the Latin and French ſtill continued.

* This paper, by the ſtyle, ſeems to have been drawn by the Scots, and was ſigned by the wardens of the marches only.

We may judge of the ignorance of this age in geography, from a ſtory told by Robert of Aveſbury. Pope Clement VI. having, in 1344, created Lewis of Spain prince of *the fortunate iſlands*, meaning the Canaries, then newly diſcovered; the Engliſh ambaſſador at Rome, and his retinue, were ſeized with an alarm that Lewis had been created king of England; and they immediately hurried home, in order to convey this important intelligence. Yet ſuch was the ardour for ſtudy at this time, that Speed, in his Chronicle, informs us there were then 30,000 ſtudents in the univerſity of Oxford alone. What was the occupation of all theſe young men? To learn very bad Latin, and ſtill worſe logic.

In 1364 the commons petitioned, that in conſideration of the preceding peſtilence, ſuch perſons as poſſeſſed manors holden of the king in chief, and had let different leaſes without obtaining licenſes, might continue to exerciſe the ſame power, till the country were become more populous. The commons were ſenſible that this ſecurity of poſſeſſion was a good means for rendering the kingdom proſperous and flouriſhing; yet durſt not apply all at once for a greater relaxation of their chains.

There is not a reign among thoſe of the ancient Engliſh monarchs which deſerves more to be ſtudied than that of Edward III. nor one where the domeſtic tranſactions will better diſcover the true genius of that kind of mixed government which was then eſtabliſhed in England. The ſtruggles with regard to the validity and authority of the Great Charter were now over: The king was acknowledged to lie under ſome limitations: Edward himſelf was a prince of great capacity, not governed by favourites, not led aſtray by any unruly paſſion, ſenſible that nothing could be more eſſential to his intereſts than to keep on good terms with his people: Yet, on the whole, it appears that the government at beſt was only a barbarous monarchy, not regulated by any fixed maxims, or bounded by any certain undiſputed rights, which in practice were regularly obſerved. The king conducted himſelf by one ſet of principles; the barons by another; the commons by a third; the clergy by a fourth.

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RICHARD II.

All theſe ſyſtems of government were oppoſite and incompatible: Each of them prevailed in its turn, as incidents were favourable to it: A great prince rendered the monarchical power predominant: The weakneſs of a king gave reins to the ariſtocracy: A ſuperſtitious age ſaw the clergy triumphant: The people, for whom chiefly government was inſtituted, and who chiefly deſerve conſideration, were the weakeſt of the whole. But the commons, little obnoxious to any other order, though they ſunk under the violence of tempeſts, ſilently reared their head in more peaceable times; and while the ſtorm was brewing, were courted by all ſides, and thus received ſtill ſome acceſſion to their privileges, or at worſt ſome confirmation of them.

It has been an eſtabliſhed opinion, that gold coin was not ſtruck till this reign: But there has lately been found proof that it is as ancient as Henry III.

CHAP. XVII.

RICHARD II.

Government during the minority—Inſurrection of the common people—Diſcontents of the barons—Civil commotions—Expulſion or execution of the king's miniſters—Cabals of the duke of Gloceſter—Murder of the duke of Gloceſter—Baniſhment of Henry duke of Hereford—Return of Henry—General inſurrection—Depoſition of the king—His murder—His character—Miſcellaneous tranſactions during this reign.

THE parliament which was ſummoned ſoon after the king's acceſſion, was both elected and aſſembled in tranquillity; and the great change, from a ſovereign of conſummate wiſdom and experience to a boy of eleven years of age, was not immediately felt by the people. The habits of order and obedience which the barons had been

been taught during the long reign of Edward, ſtill influenced them; and the authority of the king's three uncles, the dukes of Lancaſter, York, and Gloceſter, ſufficed to repreſs for a time the turbulent ſpirit to which that order, in a weak reign, was ſo often ſubject. The dangerous ambition too of theſe princes themſelves was checked by the plain and undeniable title of Richard, by the declaration of it made in parliament, and by the affectionate regard which the people bore to the memory of his father, and which was naturally transferred to the young ſovereign upon the throne. The different characters alſo of theſe three princes rendered them a counterpoiſe to each other; and it was natural to expect, that any dangerous deſigns which might be formed by one brother, would meet with oppoſition from the others. Lancaſter, whoſe age and experience, and authority under the late king, gave him the aſcendant among them, though his integrity ſeemed not proof againſt great temptations, was neither of an enterpriſing ſpirit, nor of a popular and engaging temper. York was indolent, unactive, and of ſlender capacity. Gloceſter was turbulent, bold, and popular; but being the youngeſt of the family, was reſtrained by the power and authority of his elder brothers. There appeared, therefore, no circumſtance in the domeſtic ſituation of England which might endanger the public peace, or give any immediate apprehenſions to the lovers of their country.

But as Edward, though he had fixed the ſucceſſion to the crown, had taken no care to eſtabliſh a plan of government during the minority of his grandſon, it behoved the parliament to ſupply this defect: And the houſe of commons diſtinguiſhed themſelves by taking the lead on the occaſion. This houſe, which had been riſing to conſideration during the whole courſe of the late reign, naturally received an acceſſion of power during the minority; and as it was now becoming a ſcene of buſineſs, the members choſe, for the firſt time, a ſpeaker, who might preſerve order in their debates, and maintain thoſe forms which are requiſite in all numerous

numerous aſſemblies. Peter de la Mare was the man pitched on; the ſame perſon that had been impriſoned, and detained in cuſtody by the late king, for his freedom of ſpeech, in attacking the miſtreſs and the miniſters of that prince. But though this election diſcovered a ſpirit of liberty in the commons, and was followed by farther attacks both on theſe miniſters and on Alice Pierce, they were ſtill too ſenſible of their great inferiority, to aſſume at firſt any immediate ſhare in the adminiſtration of government, or the care of the king's perſon. They were content to apply by petition to the lords for that purpoſe, and deſire them, both to appoint a council of nine, who might direct the public buſineſs, and to chuſe men of virtuous life and converſation, who might inſpect the conduct and education of the young prince. The lords complied with the firſt part of this requeſt, and elected the biſhops of London, Carliſle, and Saliſbury, the earls of Marche and Stafford, ſir Richard de Stafford, ſir Henry le Scrope, ſir John Devereux, and ſir Hugh Segrave, to whom they gave authority, for a year, to conduct the ordinary courſe of buſineſs. But as to the regulation of the king's houſehold, they declined interpoſing in an office, which, they ſaid, both was invidious in itſelf, and might prove diſagreeable to his majeſty.

The commons, as they acquired more courage, ventured to proceed a ſtep farther in their applications. They preſented a petition, in which they prayed the king to check the prevailing cuſtom among the barons, of forming illegal confederacies, and ſupporting each other, as well as men of inferior rank, in the violations of law and juſtice. They received from the throne a general and an obliging anſwer to this petition: But another part of their application, that all the great officers ſhould, during the king's minority, be appointed by parliament, which ſeemed to require the concurrence of the commons, as well as that of the upper houſe, in the nomination, was not complied with: The lords alone aſſumed the power of appointing theſe officers: The commons tacitly acquieſced in the choice; and thought that, for the preſent, they themſelves had proceeded a ſufficient length,

length, if they but advanced their pretenſions, though rejected, of interpoſing in theſe more important matters of ſtate.

On this foot then the government ſtood. The adminiſtration was conducted entirely in the king's name: No regency was expreſly appointed: The nine counſellors and the great officers named by the peers, did their duty, each in his reſpective department: And the whole ſyſtem was for ſome years kept together by the ſecret authority of the king's uncles, eſpecially of the duke of Lancaſter, who was in reality the regent.

The parliament was diſſolved, after the commons had repreſented the neceſſity of their being re-aſſembled once every year, as appointed by law; and after having elected two citizens as their treaſurers, to receive and diſburſe the produce of two fifteenths and tenths, which they had voted to the crown. In the other parliaments called during the minority, the commons ſtill diſcover a ſtrong ſpirit of freedom, and a ſenſe of their own authority, which, without breeding any diſturbance, tended to ſecure their independence, and that of the people *.

Edward had left his grandſon involved in many dangerous wars. The pretenſions of the duke of Lancaſter to the crown of Caſtile made that kingdom ſtill perſevere in hoſtilities againſt England. Scotland, whoſe throne was now filled by Robert Stuart, nephew to David Bruce, and the firſt prince of that family, maintained ſuch cloſe connexions with France, that war with one crown almoſt inevitably produced hoſtilities with the other. The French monarch, whoſe prudent conduct had acquired him the ſirname of *wiſe*, as he had already baffled all the experience and valour of the two Edwards, was likely to prove a dangerous enemy to a minor king: But his genius, which was not naturally enterpriſing, led him not, at preſent, to give any diſturbance to his neighbours; and he laboured, beſides, under many difficulties at home, which it was neceſſary for him to ſurmount before he could think of making conqueſts in a foreign country. England was maſter of Calais, Bourdeaux,

* See note [K] at the end of the volume.

and

and Bayonne; had lately acquired poſſeſſion of Cherbourg from the ceſſion of the king of Navarre, and of Breſt from that of the duke of Britanny; and having thus an eaſy entrance into France from every quarter, was able, even in its preſent ſituation, to give diſturbance to his government. Before Charles could remove the Engliſh from theſe important poſts, he died in the flower of his age, and left his kingdom to a minor ſon, who bore the name of Charles VI.

(1378.) Meanwhile the war with France was carried on in a manner ſomewhat languid, and produced no enterpriſe of great luſtre or renown. Sir Hugh Calverly, governor of Calais, making an inroad into Picardy with a detachment of the garriſon, ſet fire to Boulogne. The duke of Lancaſter conducted an army into Britanny, but returned without being able to perform any thing memorable. In a ſubſequent year (1380), the duke of Gloceſter marched out of Calais with a body of 2000 cavalry and 8000 infantry; and ſcrupled not, with his ſmall army, to enter into the heart of France, and to continue his ravages through Picardy, Champaigne, the Brie, the Beauſſe, the Gatinois, the Orleanois, till he reached his allies in the province of Britanny. The duke of Burgundy, at the head of a more conſiderable army, came within ſight of him; but the French were ſo overawed by the former ſucceſſes of the Engliſh, that no ſuperiority of numbers could tempt them to venture a pitched battle with the troops of that nation. As the duke of Britanny, ſoon after the arrival of theſe ſuccours, formed an accommodation with the court of France, this enterpriſe alſo proved in the iſſue unſucceſsful, and made no durable impreſſion upon the enemy.

The expenſes of theſe armaments, and the uſual want of economy attending a minority, much exhauſted the Engliſh treaſury, and obliged the parliament, beſides making ſome alterations in the council, to impoſe a new and unuſual tax of three groats, on every perſon, male and female, above fifteen years of age; and they ordained that, in levying that tax, the opulent ſhould relieve the

the poor by an equitable compenſation. This impoſition produced a mutiny, which was ſingular in its circumſtances. All hiſtory abounds with examples where the great tyranniſe over the meaner ſort: But here the loweſt populace roſe againſt their rulers, committed the moſt cruel ravages upon them, and took vengeance for all former oppreſſions.

(1381.) The faint dawn of the arts and of good government in that age had excited the minds of the populace in different ſtates of Europe, to wiſh for a better condition, and to murmur againſt thoſe chains which the laws enacted by the haughty nobility and gentry, had ſo long impoſed upon them. The commotions of the people in Flanders, the mutiny of the peaſants in France, were the natural effects of this growing ſpirit of independence; and the report of theſe events being brought into England, where perſonal ſlavery, as we learn from Froiſſard, was more general than in any other country in Europe, had prepared the minds of the multitude for an inſurrection. One John Ball alſo, a ſeditious preacher, who affected low popularity, went about the country, and inculcated on his audience the principles of the firſt origin of mankind from one common ſtock, their equal right to liberty and to all the goods of nature, the tyranny of artificial diſtinctions, and the abuſes which had ariſen from the degradation of the more conſiderable part of the ſpecies and the aggrandiſement of a few inſolent rulers. Theſe doctrines, ſo agreeable to the populace, and ſo conformable to the ideas of primitive equality which are engraven in the hearts of all men, were greedily received by the multitude; and ſcattered the ſparks of that ſedition, which the preſent tax raiſed into a conflagration *.

* There were two verſes at that time in the mouths of all the common people, which, in ſpite of prejudice, one cannot but regard with ſome degree of approbation:

When Adam delv'd and Eve ſpan,
Where was then the gentleman?

The

The impoſition of three groats a head had been farmed out to tax-gatherers in each county, who levied the money on the people with rigour; and the clauſe of making the rich eaſe their poorer neighbours of ſome ſhare of the burden, being ſo vague and undeterminate, had, doubtleſs, occaſioned many partialities, and made the people more ſenſible of the unequal lot which fortune had aſſigned them in the diſtribution of her favours. The firſt diſorder was raiſed by a blackſmith in a village of Eſſex. The tax-gatherers came to this man's ſhop while he was at work; and they demanded payment for his daughter, whom he aſſerted to be below the age aſſigned by the ſtatute. One of theſe fellows offered to produce a very indecent proof to the contrary, and at the ſame time laid hold of the maid: Which the father reſenting, immediately knocked out the ruffian's brains with his hammer. The by-ſtanders applauded the action, and exclaimed, that it was full time for the people to take vengeance on their tyrants, and to vindicate their native liberty. They immediately flew to arms: The whole neighbourhood joined in the ſedition: The flame ſpread in an inſtant over the county: It ſoon propagated itſelf into that of Kent, of Hertford, Surry, Suſſex, Suffolk, Norfolk, Cambridge, and Lincoln. Before the government had the leaſt warning of the danger, the diſorder had grown beyond control or oppoſition: The populace had ſhaken off all regard to their former maſters; and being headed by the moſt audacious and criminal of their aſſociates, who aſſumed the feigned names of Wat Tyler, Jack Straw, Hob Carter, and Tom Miller, by which they were fond of denoting their mean origin, they committed every-where the moſt outrageous violence on ſuch of the gentry or nobility as had the misfortune to fall into their hands.

The mutinous populace, amounting to a hundred thouſand men, aſſembled on Blackheath (12th June), under their leaders Tyler and Straw; and as the princeſs of Wales, the king's mother, returning from a pilgrimage to Canterbury, paſſed through the midſt of them, they inſulted her attendants; and ſome of the moſt

inſolent among them, to ſhow their purpoſe of levelling all mankind, forced kiſſes from her; but they allowed her to continue her journey, without attempting any farther injury. They ſent a meſſage to the king, who had taken ſhelter in the Tower; and they deſired a conference with him. Richard ſailed down the river in a barge for that purpoſe; but on his approaching the ſhore, he ſaw ſuch ſymptoms of tumult and inſolence, that he put back and returned to that fortreſs. The ſeditious peaſants, meanwhile, favoured by the populace of London, had broken into the city; had burned the duke of Lancaſter's palace of the Savoy; cut off the heads of all the gentlemen whom they laid hold of; expreſſed a particular animoſity againſt the lawyers and attornies; and pillaged the warehouſes of the rich merchants. A great body of them quartered themſelves at Mile-end; and the king, finding no defence in the Tower, which was weakly garriſoned, and ill ſupplied with proviſions, was obliged to go out to them, and aſk their demands. They required a general pardon, the abolition of ſlavery, freedom of commerce in market-towns without toll or impoſt, and a fixed rent on lands, inſtead of the ſervices due by villenage. Theſe requeſts, which, though extremely reaſonable in themſelves, the nation was not ſufficiently prepared to receive, and which it was dangerous to have extorted by violence, were, however, complied with; charters to that purpoſe were granted them; and this body immediately diſperſed, and returned to their ſeveral homes.

During this tranſaction, another body of the rebels had broken into the Tower; had murdered Simon Sudbury, the primate and chancellor, with ſir Robert Hales, the treaſurer, and ſome other perſons of diſtinction; and continued their ravages in the city. The king, paſſing along Smithfield, very ſlenderly guarded, met with Wat Tyler, at the head of theſe rioters, and entered into a conference with him. Tyler, having ordered his companions to retire till he ſhould give them a ſignal, after which they were to murder all the company except the king himſelf, whom they were to detain priſoner, feared not

not to come into the midſt of the royal retinue. He there behaved himſelf in ſuch a manner, that Walworth, the mayor of London, not able to bear his inſolence, drew his ſword, and ſtruck him ſo violent a blow as brought him to the ground, where he was inſtantly deſpatched by others of the king's attendants. The mutineers, ſeeing their leader fall, prepared themſelves for revenge; and this whole company, with the king himſelf, had undoubtedly periſhed on the ſpot, had it not been for an extraordinary preſence of mind which Richard diſcovered on the occaſion. He ordered his company to ſtop; he advanced alone towards the enraged multitude; and accoſting them with an affable and intrepid countenance, he aſked them, "What is the meaning of this diſorder, "my good people? Are ye angry that ye have loſt your "leader? I am your king: I will be your leader." The populace, overawed by his preſence, implicitly followed him: He led them into the fields, to prevent any diſorder which might have ariſen by their continuing in the city: Being there joined by ſir Robert Knolles, and a body of well-armed veteran ſoldiers, who had been ſecretly drawn together, he ſtrictly prohibited that officer from falling on the rioters, and committing an undiſtinguiſhed ſlaughter upon them; and he peaceably diſmiſſed them with the ſame charters which had been granted to their fellows. Soon after, the nobility and gentry, hearing of the king's danger, in which they were all involved, flocked to London with their adherents and retainers; and Richard took the field at the head of an army 40,000 ſtrong. It then behoved all the rebels to ſubmit: The charters of enfranchiſement and pardon were revoked by parliament; the low people were reduced to the ſame ſlaviſh condition as before; and ſeveral of the ringleaders were ſeverely puniſhed for the late diſorders. Some were even executed without proceſs or form of law. It was pretended, that the intentions of the mutineers had been, to ſeize the king's perſon, to carry him through England at their head, to murder all the nobility, gentry, and lawyers, and even all the biſhops and prieſts, except the mendicant friars; to deſpatch

afterwards the king himſelf; and having thus reduced all to a level, to order the kingdom at their pleaſure. It is not impoſſible, but many of them, in the delirium of their firſt ſucceſs, might have formed ſuch projects: But of all the evils incident to human ſociety, the inſurrections of the populace, when not raiſed and ſupported by perſons of higher quality, are the leaſt to be dreaded: The miſchiefs conſequent to an abolition of all rank and diſtinction become ſo great, that they are immediately felt, and ſoon bring affairs back to their former order and arrangement.

A youth of ſixteen (which was at this time the king's age), who had diſcovered ſo much courage, preſence of mind, and addreſs, and had ſo dextrouſly eluded the violence of this tumult, raiſed great expectations in the nation; and it was natural to hope, that he would, in the courſe of his life, equal the glories which had ſo uniformly attended his father and his grandfather in all their undertakings. (1385.) But in proportion as Richard advanced in years, theſe hopes vaniſhed; and his want of capacity, at leaſt of ſolid judgment, appeared in every enterpriſe which he attempted. The Scots, ſenſible of their own deficiency in cavalry, had applied to the regency of Charles VI.; and John de Vienne, admiral of France, had been ſent over with a body of 1500 men at arms, to ſupport them in their incurſions againſt the Engliſh. The danger was now deemed by the king's uncles ſomewhat ſerious; and a numerous army of 60,000 men was levied; and they marched into Scotland, with Richard himſelf at their head. The Scots did not pretend to make reſiſtance againſt ſo great a force: They abandoned without ſcruple their country to be pillaged and deſtroyed by the enemy: And when de Vienne expreſſed his ſurpriſe at this plan of operations, they told him, that all their cattle was driven into the foreſts and faſtneſſes; that their houſes and other goods were of ſmall value; and that they well knew how to compenſate any loſſes which they might ſuſtain in that reſpect, by making an incurſion into England. Accordingly, when Richard entered Scotland by Berwic and the eaſt coaſt, the Scots,

to

to the number of 30,000 men, attended by the French, entered the borders of England by the weſt, and carrying their ravages through Cumberland, Weſtmoreland, and Lancaſhire, collected a rich booty, and then returned in tranquillity to their own country. Richard meanwhile advanced towards Edinburgh, and deſtroyed in his way all the towns and villages on each ſide of him: He reduced that city to aſhes: He treated in the ſame manner, Perth, Dundee, and other places in the low countries; but when he was adviſed to march towards the weſt coaſt, to await there the return of the enemy, and to take revenge on them for their devaſtations, his impatience to return to England, and enjoy his uſual pleaſures and amuſements, outweighed every conſideration; and he led back his army, without effecting any thing by all theſe mighty preparations. The Scots, ſoon after, finding the heavy bodies of French cavalry very uſeleſs in that deſultory kind of war to which they confined themſelves, treated their allies ſo ill, that the French returned home, much diſguſted with the country, and with the manners of its inhabitants. And the Engliſh, though they regretted the indolence and levity of their king, ſaw themſelves for the future ſecured againſt any dangerous invaſion from that quarter.

(1386.) But it was ſo material an intereſt of the French court to wreſt the ſea-port towns from the hands of their enemy, that they reſolved to attempt it by ſome other expedient, and found no means ſo likely as an invaſion of England itſelf. They collected a great fleet and army at Sluiſe; for the Flemings were now in alliance with them: All the nobility of France were engaged in this enterpriſe: The Engliſh were kept in alarm: Great preparations were made for the reception of the invaders: And though the diſperſion of the French ſhips by a ſtorm, and the taking of many of them by the Engliſh, before the embarkation of the troops, freed the kingdom from the preſent danger, the king and council were fully ſenſible that this perilous ſituation might every moment return upon them,

There were two circumſtances, chiefly, which engaged the French at this time to think of ſuch attempts. The one was the abſence of the duke of Lancaſter, who had carried into Spain the flower of the Engliſh military force, in proſecution of his vain claim to the crown of Caſtile; an enterpriſe in which, after ſome promiſing ſucceſs, he was finally diſappointed: The other was, the violent diſſenſions and diſorders which had taken place in the Engliſh government.

The ſubjection in which Richard was held by his uncles, particularly by the duke of Gloceſter, a prince of ambition and genius, though it was not unſuitable to his years and ſlender capacity, was extremely diſagreeable to his violent temper; and he ſoon attempted to ſhake off the yoke impoſed upon him. Robert de Vere earl of Oxford, a young man of a noble family, of an agreeable figure, but of diſſolute manners, had acquired an entire aſcendant over him, and governed him with an abſolute authority. The king ſet ſo little bounds to his affection, that he firſt created his favourite marquis of Dublin, a title before unknown in England, then duke of Ireland; and transferred to him by patent, which was confirmed in parliament, the entire ſovereignty for life of that iſland. He gave him in marriage his couſin-german, the daughter of Ingelram de Couci earl of Bedford; but ſoon after he permitted him to repudiate that lady, though of an unexceptionable character, and to marry a foreigner, a Bohemian, with whom he had become enamoured. Theſe public declarations of attachment turned the attention of the whole court towards the minion: All favours paſſed through his hands: Acceſs to the king could only be obtained by his mediation: And Richard ſeemed to take no pleaſure in royal authority, but ſo far as it enabled him to load with favours and titles and dignities this object of his affections.

The jealouſy of power immediately produced an animoſity between the minion and his creatures on the one hand, and the princes of the blood and chief nobility on the other; and the uſual complaints againſt the inſolence of favourites were loudly echoed, and greedily received,

in every part of the kingdom. Moubray earl of Nottingham, the mareſchal, Fitz-Alan earl of Arundel, Piercy earl of Northumberland, Montacute earl of Saliſbury, Beauchamp earl of Warwic, were all connected with each other, and with the princes, by friendſhip or alliance, and ſtill more by their common antipathy to thoſe who had eclipſed them in the king's favour and confidence. No longer kept in awe by the perſonal character of the prince, they ſcorned to ſubmit to his miniſters; and the method which they took to redreſs the grievances complained of well ſuited the violence of the age, and proves the deſperate extremities to which every oppoſition was ſure to be inſtantly carried.

Michael de la Pole, the preſent chancellor, and lately created earl of Suffolk, was the ſon of an eminent merchant; but had riſen by his abilities and valour during the wars of Edward III., had acquired the friendſhip of that monarch, and was eſteemed the perſon of greateſt experience and capacity among thoſe who were attached to the duke of Ireland and the king's ſecret council. The duke of Gloceſter, who had the houſe of commons at his devotion, impelled them to exerciſe that power, which they ſeem firſt to have aſſumed againſt lord Latimer during the declining years of the late king; and an impeachment againſt the chancellor was carried up by them to the houſe of peers, which was no leſs at his devotion. The king foreſaw the tempeſt preparing againſt him and his miniſters. After attempting in vain to rouſe the Londoners to his defence, he withdrew from parliament, and retired with his court to Eltham. The parliament ſent a deputation, inviting him to return, and threatening that, if he perſiſted in abſenting himſelf, they would immediately diſſolve, and leave the nation, though at that time in imminent danger of a French invaſion, without any ſupport or ſupply for its defence. At the ſame time a member was encouraged to call for the record containing the parliamentary depoſition of Edward II.; a plain intimation of the fate which Richard, if he continued refractory, had reaſon to expect from them. The king, finding himſelf unable to reſiſt,

was

was content to ſtipulate, that, except finiſhing the preſent impeachment againſt Suffolk, no attack ſhould be made upon any other of his miniſters; and on that condition he returned to the parliament *.

Nothing can prove more fully the innocence of Suffolk, than the frivolouſneſs of the crimes which his enemies, in the preſent plenitude of their power, thought proper to object againſt him. It was alleged, that being chancellor, and obliged by his oath to conſult the king's profit, he had purchaſed lands of the crown below their true value; that he had exchanged with the king a perpetual annuity of 400 marks a year, which he inherited from his father, and which was aſſigned upon the cuſtoms of the port of Hull, for lands of an equal income; that having obtained for his ſon the priory of St. Anthony, which was formerly poſſeſſed by a Frenchman, an enemy and a ſchiſmatic, and a new prior being at the ſame time named by the pope, he had refuſed to admit this perſon, whoſe title was not legal, till he made a compoſition with his ſon, and agreed to pay him a hundred pounds a year from the income of the benefice; that he had purchaſed from one Tydeman of Limborch, an old and forfeited annuity of fifty pounds a-year upon the crown, and had engaged the king to admit that bad debt; and that, when created earl of Suffolk, he had obtained a grant of 500 pounds a year, to ſupport the dignity of that title †. Even the proof of theſe articles, frivolous as they are, was found very deficient upon the trial: It appeared that Suffolk had made no purchaſe from the crown while he was chancellor, and that all his bargains of that kind were made before he was advanced to that

* See note [L] at the end of the volume.

† It is probable that the earl of Suffolk was not rich, nor able to ſupport the dignity without the bounty of the crown: For his father, Michael de la Pole, though a great merchant, had been ruined by lending money to the late king. See Cotton, p. 194. We may remark that the dukes of Gloceſter and York, though vaſtly rich, received at the ſame time each of them a thouſand pounds a year, to ſupport their dignity,

dignity,

dignity. It is almoſt needleſs to add, that he was condemned notwithſtanding his defence; and that he was deprived of his office.

Gloceſter and his aſſociates obſerved their ſtipulation with the king, and attacked no more of his miniſters: But they immediately attacked himſelf and his royal dignity, and framed a commiſſion after the model of thoſe which had been attempted almoſt in every reign ſince that of Richard I. and which had always been attended with extreme confuſion. By this commiſſion, which was ratified by parliament, a council of fourteen perſons was appointed, all of Gloceſter's faction, except Nevil archbiſhop of York: The ſovereign power was transferred to theſe men for a twelvemonth: The king, who had now reached the twenty-firſt year of his age, was in reality dethroned: The ariſtocracy was rendered ſupreme: And though the term of the commiſſion was limited, it was eaſy to foreſee that the intentions of the party were to render it perpetual, and that power would with great difficulty be wreſted from thoſe graſping hands to which it was once committed. Richard, however, was obliged to ſubmit: He ſigned the commiſſion, which violence had extorted from him; he took an oath never to infringe it; and though at the end of the ſeſſion he *publicly* entered a proteſt, that the prerogatives of the crown, notwithſtanding his late conceſſion, ſhould ſtill be deemed entire and unimpaired, the new commiſſioners, without regarding this declaration, proceeded to the exerciſe of their authority.

(1387.) The king, thus diſpoſſeſſed of royal power, was ſoon ſenſible of the contempt into which he was fallen. His favourites and miniſters, who were as yet allowed to remain about his perſon, failed not to aggravate the injury, which, without any demerit on his part, had been offered to him. And his eager temper was of itſelf ſufficiently inclined to ſeek the means, both of recovering his authority, and of revenging himſelf on thoſe who had invaded it. As the houſe of commons appeared now of weight in the conſtitution, he ſecretly tried ſome expedients for procuring a favourable

able election: He founded ſome of the ſheriffs, who being at that time both the returning officers and magiſtrates of great power in the counties, had naturally conſiderable influence in elections *. But, as moſt of them had been appointed by his uncles, either during his minority, or during the courſe of the preſent commiſſion, he found them, in general, averſe to his enterpriſe. The ſentiments and inclinations of the judges were more favourable to him. He met, at Nottingham, ſir Robert Treſilian, chief juſtice of the King's Bench, ſir Robert Belknappe, chief juſtice of the Common Pleas, ſir John Cary, chief baron of the Exchequer, Holt, Fulthorpe, and Bourg, inferior juſtices, and Lockton, ſerjeant at law; and he propoſed to them ſome queries; which theſe lawyers, either from the influence of his authority, or of reaſon, made no ſcruple of anſwering in the way he deſired. They declared that the late commiſſion was derogatory to the royalty and prerogative of the king; that thoſe who procured it, or adviſed the king to conſent to it, were puniſhable with death; that thoſe who neceſſitated and compelled him were guilty of treaſon; that thoſe were equally criminal who ſhould perſevere in maintaining it; that the king has the right of diſſolving parliaments at pleaſure; that the parliament, while it ſits, muſt firſt proceed upon the king's buſineſs; and that this aſſembly cannot, without his conſent, impeach any of his miniſters and judges. Even according to our preſent ſtrict maxims with regard to law and the royal prerogative, all theſe determinations, except the two laſt, appear juſtifiable: And as the great privileges of the commons, particularly that of impeachment, were hitherto new, and ſupported by few precedents, there want not plauſible reaſons to juſtify theſe opinions of the judges †. They ſigned

* In the preamble to 5 Henry IV. cap. vii. it is implied, that the ſheriffs in a manner appointed the members of the houſe of commons, not only in this parliament, but in many others.

† See note [M] at the end of the volume.

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therefore their anſwer to the king's queries before the archbiſhops of York and Dublin, the biſhops of Durham, Chicheſter, and Bangor, the duke of Ireland, the earl of Suffolk, and two other counſellors of inferior quality.

The duke of Gloceſter and his adherents ſoon got intelligence of this ſecret conſultation, and were naturally very much alarmed at it. They ſaw the king's intentions; and they determined to prevent the execution of them. As ſoon as he came to London, which they knew was well diſpoſed to their party, they ſecretly aſſembled their forces, and appeared in arms at Haringay-park, near Highgate, with a power which Richard and his miniſters were not able to reſiſt. They ſent him a meſſage by the archbiſhop of Canterbury, and the lords Lovel, Cobham, and Devereux, and demanded that the perſons who had ſeduced him by their pernicious counſel, and were traitors both to him and to the kingdom, ſhould be delivered up to them. A few days after they appeared in his preſence, armed and attended with armed followers; and they accuſed, by name, the archbiſhop of York, the duke of Ireland, the earl of Suffolk, ſir Robert Treſilian, and ſir Nicholas Brembre, as public and dangerous enemies to the ſtate. They threw down their gauntlets before the king, and fiercely offered to maintain the truth of their charge by duel. The perſons accuſed, and all the other obnoxious miniſters, had withdrawn or had concealed themſelves.

The duke of Ireland fled to Cheſhire, and levied ſome forces, with which he advanced to relieve the king from the violence of the nobles. Gloceſter encountered him in Oxfordſhire with much ſuperior forces; routed him, diſperſed his followers, and obliged him to fly into the Low-Countries, where he died in exile a few years after. The lords then appeared at London (1388, 3d Feb.), with an army of forty thouſand men; and having obliged the king to ſummon a parliament, which was entirely at their devotion, they had full power, by obſerving a few legal forms, to take vengeance on all their enemies. Five great peers, men whoſe combined

power

power was able at any time to ſhake the throne, the duke of Gloceſter, the king's uncle; the earl of Derby, ſon of the duke of Lancaſter; the earl of Arundel; the earl of Warwic, and the earl of Nottingham, mareſchal of England; entered before the parliament an accuſation or appeal, as it was called, againſt the five counſellors whom they had already accuſed before the king. The parliament, who ought to have been judges, were not aſhamed to impoſe an oath on all their members, by which they bound themſelves to live and die with the lords appellants, and to defend them againſt all oppoſition with their lives and fortunes.

The other proceedings were well ſuited to the violence and iniquity of the times. A charge, conſiſting of thirty-nine articles, was delivered in by the appellants; and, as none of the accuſed counſellors except ſir Nicholas Brembre was in cuſtody, the reſt were cited to appear; and, upon their abſenting themſelves, the houſe of peers, after a very ſhort interval, without hearing a witneſs, without examining a fact, or deliberating on one point of law, declared them guilty of high treaſon. Sir Nicholas Brembre, who was produced in court, had the appearance, and but the appearance, of a trial: The peers, though they were not by law his proper judges, pronounced, in a very ſummary manner, ſentence of death upon him; and he was executed, together with ſir Robert Treſilian, who had been diſcovered and taken in the interval.

It would be tedious to recite the whole charge delivered in againſt the five counſellors; which is to be met with in ſeveral collections. It is ſufficient to obſerve, in general, that if we reaſon upon the ſuppoſition, which is the true one, that the royal prerogative was invaded by the commiſſion extorted by the duke of Gloceſter and his aſſociates, and that the king's perſon was afterwards detained in cuſtody by rebels, many of the articles will appear, not only to imply no crime in the duke of Ireland and the miniſters, but to aſcribe to them actions which were laudable, and which they were bound by their allegiance to perform. The few articles

articles impeaching the conduct of these ministers before that commission, which subverted the constitution, and annihilated all justice and legal authority, are vague and general; such as their engrossing the king's favour, keeping his barons at a distance from him, obtaining unreasonable grants for themselves or their creatures, and dissipating the public treasure by useless expenses. No violence is objected to them; no particular illegal act *; no breach of any statute; and their administration may therefore be concluded to have been so far innocent and inoffensive. All the disorders indeed seem to have proceeded, not from any violation of the laws, or any ministerial tyranny, but merely from a rivalship of power, which the duke of Gloucester and the great nobility, agreeably to the genius of the times, carried to the utmost extremity against their opponents, without any regard to reason, justice, or humanity.

But these were not the only deeds of violence committed during the triumph of the party. All the other judges, who had signed the extrajudicial opinions at Nottingham, were condemned to death, and were, as a grace or favour, banished to Ireland; though they pleaded the fear of their lives, and the menaces of the king's ministers, as their excuse. Lord Beauchamp of Holt, sir James Berners, and John Salisbury, were also tried and condemned for high treason; merely because they had attempted to defeat the late commission: But the life of the latter was spared. The fate of sir Simon Burley was more severe: This gentleman was much beloved for his personal merit, had distinguished himself by many honourable actions †, was

* See note [N] at the end of the volume.

† At least this is the character given of him by Froissard, who knew him personally. Walsingham gives a very different character of him: But he is a writer somewhat passionate and partial; and the choice made of this gentleman by Edward III. and the Black Prince for the education of Richard, makes the character given him by Froissard much more probable.

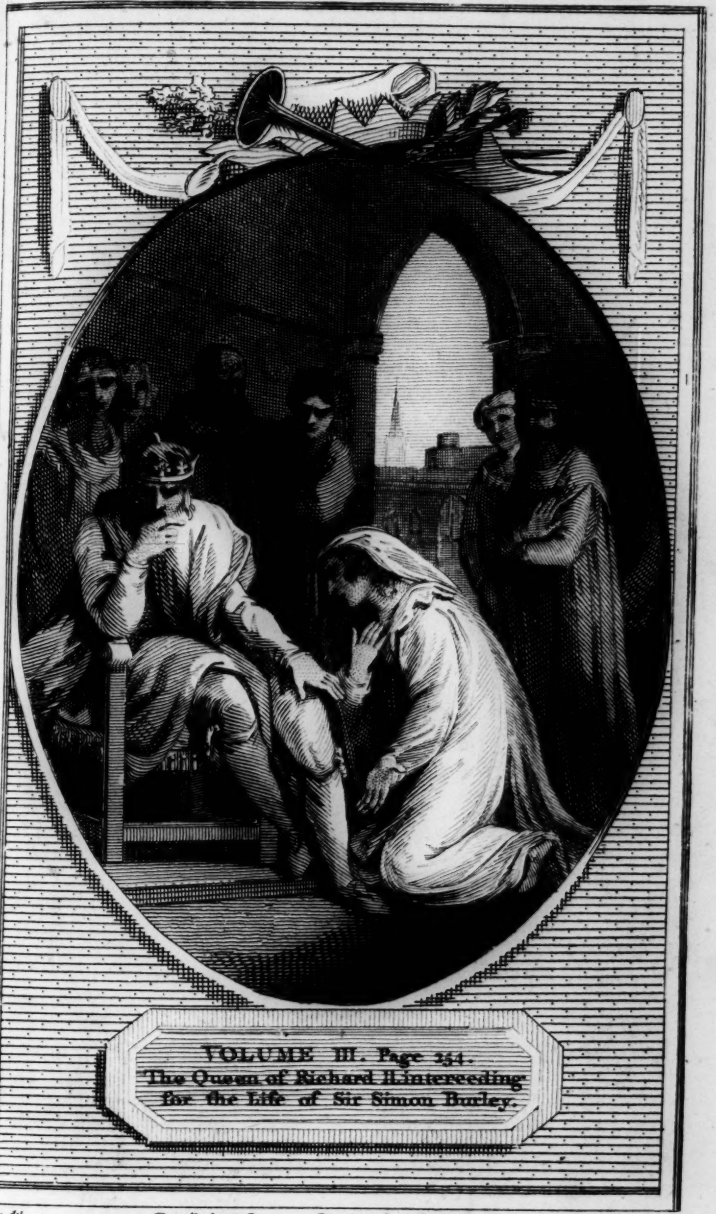
created knight of the garter, and had been appointed governor to Richard, by the choice of the late king and of the Black Prince: He had attended his maſter from the earlieſt infancy of that prince, and had ever remained extremely attached to him: Yet all theſe conſiderations could not ſave him from falling a victim to Gloceſter's vengeance. This execution, more than all the others, made a deep impreſſion on the mind of Richard: His queen too (for he was already married to the ſiſter of the emperor Winceſlaus, king of Bohemia) intereſted herſelf in behalf of Burley: She remained three hours on her knees before the duke of Gloceſter, pleading for that gentleman's life; but though ſhe was become extremely popular by her amiable qualities, which had acquired her the appellation of *the good queen Ann*, her petition was ſternly rejected by the inexorable tyrant.

The parliament concluded this violent ſcene, by a declaration that none of the articles decided on theſe trials to be treaſon, ſhould ever afterwards be drawn into precedent by the judges, who were ſtill to conſider the ſtatute of the twenty-fifth of Edward as the rule of their deciſions. The houſe of lords ſeem not, at that time, to have known or acknowledged the principle, that they themſelves were bound, in their judicial capacity, to follow the rules which they, in conjunction with the king and commons, had eſtabliſhed in their legiſlative *. It was alſo enacted, that every one ſhould ſwear to the perpetual maintenance and ſupport of the forfeitures and attainders, and of all the other acts paſſed during this parliament. The archbiſhop of Canterbury added the penalty of excommunication, as a farther ſecurity to theſe violent tranſactions.

(1389.) It might naturally be expected, that the king, being reduced to ſuch ſlavery by the combination of the princes and chief nobility, and having appeared ſo unable to defend his ſervants from the cruel effects of their reſentment, would long remain in ſubjection to

* See note [O] at the end of the volume.

them;



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The Queen of Richard II. interceding for the Life of Sir Simon Burley.

Ryley, del. Engraved for J. Parsons, 21, Paternoster Row. Sept.r 1793. White, sc.

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them; and never would recover the royal power, without the moſt violent ſtruggles and convulſions: But the event proved contrary. In leſs than a twelvemonth, Richard, who was in his twenty-third year, declared in council, that, as he had now attained the full age which entitled him to govern by his own authority his kingdom and houſehold, he reſolved to exerciſe his right of ſovereignty; and when no one ventured to contradict ſo reaſonable an intention, he deprived Fitz-Alan, archbiſhop of Canterbury, of the dignity of chancellor, and beſtowed that high office on William of Wickham, biſhop of Wincheſter; the biſhop of Hereford was diſplaced from the office of treaſurer, the earl of Arundel from that of admiral; even the duke of Gloceſter and the earl of Warwic were removed for a time from the council: And no oppoſition was made to theſe great changes. The hiſtory of this reign is imperfect, and little to be depended on; except where it is ſupported by public records: And it is not eaſy for us to aſſign the reaſon of this unexpected event. Perhaps ſome ſecret animoſities, naturally to be expected in that ſituation, had creeped in among the great men, and had enabled the king to recover his authority. Perhaps the violence of their former proceedings had loſt them the affections of the people, who ſoon repent of any cruel extremities to which they are carried by their leaders. However this may be, Richard exerciſed with moderation the authority which he had reſumed. He ſeemed to be entirely reconciled to his uncles and the other great men, of whom he had ſo much reaſon to complain: He never attempted to recal from baniſhment the duke of Ireland, whom he found ſo obnoxious to them: He confirmed, by proclamation, the general pardon which the parliament had paſſed for all offences: And he courted the affections of the people, by voluntarily remitting ſome ſubſidies which had been granted him; a remarkable and almoſt ſingular inſtance of ſuch generoſity.

After this compoſure of domeſtic differences, and this reſtoration of the government to its natural ſtate,

there paſſes an interval of eight years, which affords not many remarkable events. The duke of Lancaſter returned from Spain; having reſigned to his rival all pretenſions to the crown of Caſtile upon payment of a large ſum of money, and having married his daughter, Philippa, to the king of Portugal. The authority of this prince ſerved to counterbalance that of the duke of Gloceſter, and ſecured the power of Richard, who paid great court to his eldeſt uncle, by whom he had never been offended, and whom he found more moderate in his temper than the younger. He made a ceſſion to him for life of the dutchy of Guienne, which the inclinations and changeable humour of the Gaſcons had reſtored to the Engliſh government; but as they remonſtrated loudly againſt this deed, it was finally, with the duke's conſent, revoked by Richard. There happened an incident, which produced a diſſenſion between Lancaſter and his two brothers. After the death of the Spaniſh princeſs, he eſpouſed Catherine Swineford, daughter of a private knight of Hainault, by whoſe alliance York and Gloceſter thought the dignity of their family much injured: But the king gratified his uncle, by paſſing in parliament a charter of legitimation to the children whom that lady had born him before marriage, and by creating the eldeſt earl of Somerſet.

The wars, meanwhile, which Richard had inherited with his crown, ſtill continued; though interrupted by frequent truces, according to the practice of that age, and conducted with little vigour, by reaſon of the weakneſs of all parties. The French war was ſcarcely heard of; the tranquillity of the northern borders was only interrupted by one inroad of the Scots, which proceeded more from a rivalſhip between the two martial families of Piercy and Douglas, than from any national quarrel: A fierce battle or ſkirmiſh was fought at Otterborne*, in which young Piercy, ſirnamed *Hotſpur*, from his impetuous valour, was taken priſoner, and Douglas ſlain;

* 15th Auguſt 1388.

and

and the victory remained undecided. Some inſurrections of the Iriſh obliged the king to make an expedition into that country, which he reduced to obedience; and he recovered in ſome degree, by this enterpriſe, his character of courage, which had ſuffered a little by the inactivity of his reign. (1396.) At laſt, the Engliſh and French courts began to think in earneſt of a laſting peace; but found it ſo difficult to adjuſt their oppoſite pretenſions, that they were content to eſtabliſh a truce of twenty-five years: Breſt and Cherbourg were reſtored, the former to the duke of Britanny, the latter to the king of Navarre: Both parties were left in poſſeſſion of all the other places which they held at the time of concluding the truce: And to render the amity between the two crowns more durable, Richard, who was now a widower, was affianced to Iſabella, the daughter of Charles. This princeſs was only ſeven years of age; but the king agreed to ſo unequal a match, chiefly that he might fortify himſelf by this alliance, againſt the enterpriſes of his uncles, and the incurable turbulence as well as inconſtancy of his barons.

The adminiſtration of the king, though it was not, in this interval, ſullied by any unpopular act, except the ſeizing of the charter of London, which was ſoon after reſtored, tended not much to corroborate his authority; and his perſonal character brought him into contempt, even while his public government appeared, in a good meaſure, unexceptionable. Indolent, profuſe, addicted to low pleaſures; he ſpent his whole time in feaſting and jollity, and diſſipated, in idle ſhow, or in bounties to favourites of no reputation, that revenue which the people expected to ſee him employ in enterpriſes directed to public honour and advantage. He forgot his rank by admitting all men to his familiarity; and he was not ſenſible, that their acquaintance with the qualities of his mind was not able to impreſs them with the reſpect which he neglected to preſerve from his birth and ſtation. The earls of Kent and Huntingdon, his half-brothers, were his chief confidents and favourites; and though he never devoted himſelf to them with ſo profuſe an affec-

tion as that with which he had formerly been attached to the duke of Ireland, it was eaſy for men to ſee, that every grace paſſed through their hands, and that the king had rendered himſelf a mere cipher in the government. The ſmall regard which the public bore to his perſon, diſpoſed them to murmur againſt his adminiſtration, and to receive, with greedy ears, every complaint which the diſcontented or ambitious grandees ſuggeſted to them.

(1397.) Gloceſter ſoon perceived the advantages which this diſſolute conduct gave him; and finding, that both reſentment and jealouſy on the part of his nephew ſtill prevented him from acquiring any aſcendant over that prince, he determined to cultivate his popularity with the nation, and to revenge himſelf on thoſe who eclipſed him in favour and authority. He ſeldom appeared at court or in council: He never declared his opinion but in order to diſapprove of the meaſures embraced by the king and his favourites; and he courted the friendſhip of every man, whom diſappointment or private reſentment had rendered an enemy to the adminiſtration. The long truce with France was unpopular with the Engliſh, who breathed nothing but war againſt that hoſtile nation; and Gloceſter took care to encourage all the vulgar prejudices which prevailed on this ſubject. Forgetting the misfortunes which attended the Engliſh arms during the later years of Edward, he made an invidious compariſon between the glories of that reign and the inactivity of the preſent, and he lamented that Richard ſhould have degenerated ſo much from the heroic virtues by which his father and his grandfather were diſtinguiſhed. The military men were inflamed with a deſire of war, when they heard him talk of the ſignal victories formerly obtained, and of the eaſy prey which might be made of French riches by the ſuperior valour of the Engliſh: The populace readily embraced the ſame ſentiments: And all men exclaimed that this prince, whoſe counſels were ſo much neglected, was the true ſupport of Engliſh honour, and alone able to raiſe the nation to its former power and ſplendour. His great abilities, his popular manners, his princely extraction, his im-

menſe riches, his high office of conſtable, all theſe advantages, not a little aſſiſted by his want of court favour, gave him a mighty authority in the kingdom, and rendered him formidable to Richard and his miniſters.

Froiſſard, a contemporary writer and very impartial, but whoſe credit is ſomewhat impaired by his want of exactneſs in material facts, aſcribes to the duke of Gloceſter more deſperate views, and ſuch as were totally incompatible with the government and domeſtic tranquillity of the nation. According to that hiſtorian, he propoſed to his nephew, Roger Mortimer earl of Marche, whom Richard had declared his ſucceſſor, to give him immediate poſſeſſion of the throne, by the depoſition of a prince ſo unworthy of power and authority: And when Mortimer declined the project, he reſolved to make a partition of the kingdom between himſelf, his two brothers, and the earl of Arundel; and entirely to diſpoſſeſs Richard of the crown. The king, it is ſaid, being informed of theſe deſigns, ſaw that either his own ruin or that of Gloceſter was inevitable; and he reſolved, by a haſty blow, to prevent the execution of ſuch deſtructive projects. This is certain, that Gloceſter, by his own confeſſion, had often affected to ſpeak contemptuouſly of the king's perſon and government; had deliberated concerning the lawfulneſs of throwing off allegiance to him; and had even born part in a ſecret conference, where his depoſition was propoſed, and talked of, and determined *: But it is reaſonable to think, that his ſchemes were not ſo far advanced as to make him reſolve on putting them immediately in execution. The danger, probably, was ſtill too diſtant

* That this confeſſion was genuine, and obtained without violence, may be entirely depended on. Judge Rickhill, who brought it over from Calais, was tried on that account, and acquitted in the firſt parliament of Henry IV. when Gloceſter's party was prevalent. His acquittal, notwithſtanding his innocence, may even appear marvellous, conſidering the times.

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to render a desperate remedy entirely necessary for the security of government.

But whatever opinion we may form of the danger arising from Gloucester's conspiracies, his aversion to the French truce and alliance was public and avowed; and that court, which had now a great influence over the king, pushed him to provide for his own safety, by punishing the traiterous designs of his uncle. The resentment against his former acts of violence revived; the sense of his refractory and uncompliant behaviour was still recent; and a man, whose ambition had once usurped royal authority, and who had murdered all the faithful servants of the king, was thought capable, on a favourable opportunity, of renewing the same criminal enterprises. The king's precipitate temper admitted of no deliberation: He ordered Gloucester to be unexpectedly arrested; to be hurried on board a ship which was lying in the river; and to be carried over to Calais, where alone, by reason of his numerous partisans, he could safely be detained in custody. The earls of Arundel and Warwic were seized at the same time: The malcontents, so suddenly deprived of their leaders, were astonished and overawed: And the concurrence of the dukes of Lancaster and York in those measures, together with the earls of Derby and Rutland, the eldest sons of these princes, bereaved them of all possibility of resistance.

A parliament was immediately summoned at Westminster (17th Sept.); and the king doubted not to find the peers, and still more the commons, very compliant with his will. This house had in a former parliament given him very sensible proofs of their attachment*; and the present suppression of Gloucester's party made him still more assured of a favourable election. As a farther expedient for that purpose, he is also said to have employed the influence of the sheriffs; a practice which, though not unusual, gave umbrage, but which the established authority of that assembly rendered after-

* See note [P] at the end of the volume.

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wards ſtill more familiar to the nation. Accordingly the parliament paſſed whatever acts the king pleaſed to dictate to them *: They annulled for ever the commiſſion which uſurped upon the royal authority, and they declared it treaſonable to attempt, in any future period, the revival of any ſimilar commiſſion: They abrogated all the acts which attainted the king's miniſters, and which that parliament who paſſed them, and the whole nation, had ſworn inviolably to maintain: And they declared the general pardon then granted to be invalid, as extorted by force, and never ratified by the free conſent of the king. Though Richard, after he reſumed the government, and lay no longer under conſtraint, had voluntarily, by proclamation, confirmed that general indemnity; this circumſtance ſeemed not, in their eyes, to merit any conſideration. Even a particular pardon, granted ſix years after to the earl of Arundel, was annulled by parliament; on pretence that it had been procured by ſurpriſe, and that the king was not then fully appriſed of the degree of guilt incurred by that nobleman.

The commons then preferred an impeachment againſt Fitz-Alan, archbiſhop of Canterbury, and brother to Arundel, and accuſed him for his concurrence in procuring the illegal commiſſion, and in attainting the king's miniſters. The primate pleaded guilty; but as he was protected by the eccleſiaſtical privileges, the king was ſatisfied with a ſentence, which baniſhed him the kingdom, and ſequeſtered his temporalities. An appeal or accuſation was preſented againſt the duke of Gloceſter, and the earls of Arundel and Warwic, by the earls of Rutland, Kent, Huntingdon, Somerſet, Saliſbury, and Nottingham, together with the lords Spencer and Scrope, and they were accuſed of the ſame crimes which had been imputed to the archbiſhop, as well as of their appearance againſt the king in a hoſtile manner at Harin-

* The nobles brought numerous retainers with them, to give them ſecurity, as we are told by Walſingham. The king had only a few Cheſhire men for his guard.

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gay-park. The earl of Arundel, who was brought to the bar, wiſely confined all his defence to the pleading of both the general and particular pardon of the king; but his plea being over-ruled, he was condemned and executed. The earl of Warwic, who was alſo convicted of high treaſon, was, on account of his ſubmiſſive behaviour, pardoned as to his life, but doomed to perpetual baniſhment in the Iſle of Man. No new acts of treaſon were imputed to either of theſe noblemen. The only crimes for which they were condemned, were the old attempts againſt the crown, which ſeemed to be obliterated, both by the diſtance of time and by repeated pardons. The reaſons of this method of proceeding, it is difficult to conjecture. The recent conſpiracies of Gloceſter ſeem certain from his own confeſſion: But, perhaps, the king and miniſtry had not at that time in their hands any ſatisfactory proof of their reality; perhaps, it was difficult to convict Arundel and Warwic of any participation in them; perhaps, an inquiry into theſe conſpiracies would have involved in the guilt ſome of thoſe great noblemen who now concurred with the crown, and whom it was neceſſary to cover from all imputation; or perhaps the king, according to the genius of the age, was indifferent about maintaining even the appearance of law and equity, and was only ſolicitous by any means to enſure ſucceſs in theſe proſecutions. This point, like many others in ancient hiſtory, we are obliged to leave altogether undetermined.

A warrant was iſſued to the earl mareſchal, governor of Calais, to bring over the duke of Gloceſter, in order to his trial; but the governor returned for anſwer, that the duke had died ſuddenly of an apoplexy in that fortreſs. Nothing could be more ſuſpicious, from the time, than the circumſtances of that prince's death: It became immediately the general opinion, that he was murdered by orders from his nephew: In the ſubſequent reign undoubted proofs were produced in parliament, that he had been ſuffocated with pillows by his keepers. And it appeared that the king, apprehenſive leſt the public trial and execution of ſo popular a prince, and ſo near a relation,

relation, might prove both dangerous and invidious, had taken this baſe method of gratifying, and, as he fancied, concealing his revenge upon him. Both parties, in their ſucceſſive triumphs, ſeem to have had no farther concern than that of retaliating upon their adverſaries; and neither of them were aware, that, by imitating, they indirectly juſtified, as far as it lay in their power, all the illegal violence of the oppoſite party.

This ſeſſion concluded with the creation or advancement of ſeveral peers: The earl of Derby was made duke of Hereford; the earl of Rutland, duke of Albermarle; the earl of Kent, duke of Surrey; the earl of Huntingdom, duke of Exeter; the earl of Nottingham, duke of Norfolk; the earl of Somerſet, marquis of Dorſet; lord Spencer, earl of Gloceſter; Ralph Nevil, earl of Weſtmoreland; Thomas Piercy, earl of Worceſter; William Scrope, earl of Wiltſhire. The parliament, after a ſeſſion of twelve days, was adjourned to Shrewſbury. The king, before the departure of the members, exacted from them an oath for the perpetual maintenance and eſtabliſhment of all their acts; an oath ſimilar to that which had formerly been required by the duke of Gloceſter and his party, and which had already proved ſo vain and fruitleſs.

Both king and parliament met in the ſame diſpoſitions at Shrewſbury (1398, 28th Jan.). So anxious was Richard for the ſecurity of theſe acts, that he obliged the lords and commons to ſwear anew to them on the croſs of Canterbury; and he ſoon after procured a bull from the pope, by which they were, as he imagined, perpetually ſecured and eſtabliſhed. The parliament, on the other hand, conferred on him *for life* the duties on wool, wool-fells, and leather, and granted him, beſides, a ſubſidy of one tenth and a half, and one fifteenth and a half. They alſo reverſed the attainder of Treſilian and the other judges, and, with the approbation of the preſent judges, declared the anſwers, for which theſe magiſtrates had been impeached, to be juſt and legal: And they carried ſo far their retroſpect, as to reverſe, on the petition of lord Spencer, earl of Gloceſter, the attainder pro-

pronounced againſt the two Spencers in the reign of Edward II. The ancient hiſtory of England is nothing but a catalogue of reverſals: Every thing is in fluctuation and movement: One faction is continually undoing what was eſtabliſhed by another: And the multiplied oaths, which each party exacted for the ſecurity of the preſent acts, betray a perpetual conſciouſneſs of their inſtability.

The parliament, before they were diſſolved, elected a committee of twelve lords and ſix commoners *, whom they inveſted with the whole power both of lords and commons, and endowed with full authority to finiſh all buſineſs which had been laid before the houſes, and which they had not had leiſure to bring to a concluſion. This was an unuſual conceſſion; and though it was limited in the object, might, either immediately or as a precedent, have proved dangerous to the conſtitution: But the cauſe of that extraordinary meaſure was an event ſingular and unexpected, which engaged the attention of the parliament.

After the deſtruction of the duke of Gloceſter and the heads of that party, a miſunderſtanding broke out among thoſe noblemen who had joined in the proſecution; and the king wanted either authority ſufficient to appeaſe it, or foreſight to prevent it. The duke of Hereford appeared in parliament, and accuſed the duke of Norfolk of having ſpoken to him, in private, many ſlanderous words of the king, and of having imputed to that prince an intention of ſubverting and deſtroying many of his principal nobility. Norfolk denied the

* The names of the commiſſioners were, the dukes of Lancaſter, York, Albemarle, Surrey, and Exeter; the marquis of Dorſet; the earls of March, Saliſbury, Northumberland, Gloceſter, Wincheſter, and Wiltſhire; John Buſſy, Henry Green, John Ruſſel, Robert Teyne, Henry Chelmeſwicke, and John Golofre. It is to be remarked, that the duke of Lancaſter always concurred with the reſt in all their proceedings, even in the baniſhment of his ſon, which was afterwards ſo much complained of.

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charge, gave Hereford the lie, and offered to prove his own innocence by duel. The challenge was accepted: The time and place of combat were appointed: And as the event of this important trial by arms might require the interpoſition of legiſlative authority, the parliament thought it more ſuitable to delegate their power to a committee, than to prolong the ſeſſion beyond the uſual time which cuſtom and general convenience had preſcribed to it *.

The duke of Hereford was certainly very little delicate in the point of honour, when he revealed a private converſation to the ruin of the perſon who had entruſted him; and we may thence be more inclined to believe the duke of Norfolk's denial, than the other's aſſeveration. But Norfolk had in theſe tranſactions betrayed an equal neglect of honour, which brings him entirely on a level with his antagoniſt. Though he had publicly joined with the duke of Gloceſter and his party in all the former acts of violence againſt the king; and his name ſtands among the appellants who accuſed the duke of Ireland and the other miniſters; yet was he not aſhamed publicly to impeach his former aſſociates for the very crimes which he had concurred with them in committing; and his name increaſes the liſt of thoſe appellants who brought them to a trial. Such were the principles and practices of thoſe ancient knights and barons during the prevalence of the ariſtocratical government, and the reign of chivalry.

The liſts for this deciſion of truth and right were appointed at Coventry before the king: All the nobility of England bandied into parties, and adhered either to the one duke or the other: The whole nation was held in ſuſpenſe with regard to the event: But when the two champions appeared in the field, accoutred for the combat, the king interpoſed, to prevent both the preſent

* In the firſt year of Henry VI. when the authority of parliament was great, and when that aſſembly could leaſt be ſuſpected of lying under violence, a like conceſſion was made to the privy council, from like motives of convenience.

effuſion of ſuch noble blood, and the future conſequences of the quarrel. By the advice and authority of the parliamentary commiſſioners he ſtopped the duel; and to ſhow his impartiality, he ordered, by the ſame authority, both the combatants to leave the kingdom; aſſigning one country for the place of Norfolk's exile, which he declared perpetual; another for that of Hereford, which he limited to ten years.

Hereford was a man of great prudence and command of temper; and he behaved himſelf with ſo much ſubmiſſion in theſe delicate circumſtances, that the king, before his departure, promiſed to ſhorten the term of his exile four years; and he alſo granted him letters patent, by which he was empowered, in caſe any inheritance ſhould in the interval accrue to him, to enter immediately in poſſeſſion, and to poſtpone the doing of homage till his return.

The weakneſs and fluctuation of Richard's counſels appear no-where more evident than in the conduct of this affair. No ſooner had Hereford left the kingdom, than the king's jealouſy of the power and riches of that prince's family revived; and he was ſenſible that, by Gloceſter's death, he had only removed a counterpoiſe to the Lancaſtrian intereſt, which was now become formidable to his crown and kingdom. Being informed that Hereford had entered into a treaty of marriage with the daughter of the duke of Berry, uncle to the French king, he determined to prevent the finiſhing of an alliance which would ſo much extend the intereſt of his couſin in foreign countries; and he ſent over the earl of Saliſbury to Paris with a commiſſion for that purpoſe. The death of the duke of Lancaſter, which happened ſoon after (1399, 3d February), called upon him to take new reſolutions with regard to that opulent ſucceſſion. The preſent duke, in conſequence of the king's patent, deſired to be put in poſſeſſion of the eſtate and juriſdictions of his father: But Richard, afraid of ſtrengthening the hands of a man whom he had already ſo much offended, applied to the parliamentary commiſſioners, and perſuaded them, that this affair was but

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an appendage to that buſineſs which the parliament had delegated to them. By their authority he revoked his letters patent, and retained poſſeſſion of the eſtate of Lancaſter: And by the ſame authority he ſeized and tried the duke's attorney, who had procured and inſiſted on the letters, and he had him condemned as a traitor, for faithfully executing that truſt to his maſter. An extravagant act of power! even though the king changed, in favour of the attorney, the penalty of death into that of baniſhment.

Henry, the new duke of Lancaſter, had acquired, by his conduct and abilities, the eſteem of the public; and having ſerved with diſtinction againſt the infidels in Lithuania, he had joined to his other praiſes thoſe of piety and valour, virtues which have at all times a great influence over mankind, and were, during thoſe ages, the qualities chiefly held in eſtimation. He was connected with moſt of the principal nobility by blood, alliance, or friendſhip; and as the injury done him by the king might in its conſequences affect all of them, he eaſily brought them, by a ſenſe of common intereſt, to take part in his reſentment. The people, who muſt have an object of affection, who found nothing in the king's perſon which they could love or revere, and who were even diſguſted with many parts of his conduct *, eaſily transferred to Henry that attachment, which the death of the duke of Gloceſter had left without any fixed direction. His misfortunes were lamented; the injuſtice which he had ſuffered was complained of; and all men turned their eyes towards him, as the

* He levied fines upon thoſe who had ten years before joined the duke of Gloceſter and his party: They were obliged to pay him money, before he would allow them to enjoy the benefit of the indemnity; and in the articles of charge againſt him, it is aſſerted, that the payment of one fine did not ſuffice. It is indeed likely that his miniſters would abuſe the power put into their hands; and this grievance extended to very many people. Hiſtorians agree in repreſenting this practice as a great oppreſſion.

only perſon that could retrieve the loſt honour of the nation, or redreſs the ſuppoſed abuſes of the government.

While ſuch were the diſpoſitions of the people, Richard had the imprudence to embark for Ireland, in order to revenge the death of his couſin, Roger earl of Marche, the preſumptive heir of the crown, who had lately been ſlain in a ſkirmiſh by the natives; and he thereby left the kingdom of England open to the attempts of his provoked and ambitious enemy. Henry, embarking at Nantz (4th July) with a retinue of ſixty perſons, among whom were the archbiſhop of Canterbury and the young earl of Arundel, nephew to that prelate, landed at Ravenſpur in Yorkſhire; and was immediately joined by the earls of Northumberland and Weſtmoreland, two of the moſt potent barons in England. Here he took a ſolemn oath, that he had no other purpoſe in this invaſion, than to recover the dutchy of Lancaſter, unjuſtly detained from him; and he invited all his friends in England, and all lovers of their country, to ſecond him in this reaſonable and moderate pretenſion. Every place was in commotion: The malcontents in all quarters flew to arms: London diſcovered the ſtrongeſt ſymptoms of its diſpoſition to mutiny and rebellion: And Henry's army, increaſing on every day's march, ſoon amounted to the number of 60,000 combatants.

The duke of York was left guardian of the realm; a place to which his birth entitled him, but which both his ſlender abilities, and his natural connexions with the duke of Lancaſter, rendered him utterly incapable of filling in ſuch a dangerous emergency. Such of the chief nobility as were attached to the crown, and could either have ſeconded the guardian's good intention, or have overawed his infidelity, had attended the king into Ireland; and the efforts of Richard's friends were every-where more feeble than thoſe of his enemies. The duke of York, however, appointed the rendezvous of his forces at St. Alban's, and ſoon aſſembled an army of 40,000 men; but found them entirely deſtitute of zeal

zeal and attachment to the royal cauſe, and more inclined to join the party of the rebels. He hearkened therefore very readily to a meſſage from Henry, who entreated him not to oppoſe a loyal and humble ſupplicant in the recovery of his legal patrimony; and the guardian even declared publicly that he would ſecond his nephew in ſo reaſonable a requeſt. His army embraced with acclamations the ſame meaſures; and the duke of Lancaſter, reinforced by them, was now entirely maſter of the kingdom. He haſtened to Briſtol, into which ſome of the king's miniſters had thrown themſelves; and ſoon obliging that place to ſurrender, he yielded to the popular wiſhes, and without giving them a trial, ordered the earl of Wiltſhire, ſir John Buſſy, and ſir Henry Green, whom he there took priſoners, to be led to immediate execution.

The king, receiving intelligence of this invaſion and inſurrection, haſtened over from Ireland, and landed in Milford Haven with a body of 20,000 men: But even this army, ſo much inferior to the enemy, was either overawed by the general combination of the kingdom, or ſeized with the ſame ſpirit of diſaffection; and they gradually deſerted him, till he found that he had not above 6000 men who followed his ſtandard. It appeared, therefore, neceſſary to retire ſecretly from this ſmall body, which ſerved only to expoſe him to danger; and he fled to the Iſle of Angleſea, where he purpoſed to embark either for Ireland or France, and there await the favourable opportunities which the return of his ſubjects to a ſenſe of duty, or their future diſcontents againſt the duke of Lancaſter, would probably afford him. Henry, ſenſible of the danger, ſent to him the earl of Northumberland with the ſtrongeſt profeſſions of loyalty and ſubmiſſion; and that nobleman, by treachery and falſe oaths, made himſelf maſter of the king's perſon, and carried him to his enemy at Flint Caſtle. Richard was conducted to London by the duke of Lancaſter (1ſt September), who was there received with the acclamations of the mutinous populace. It is pretended that the recorder met him on the road, and in the name of the

city, entreated him, for the public ſafety, to put Richard to death, with all his adherents who were priſoners; but the duke prudently determined to make many others participate in his guilt, before he would proceed to thoſe extremities. For this purpoſe, he iſſued writs of election in the king's name, and appointed the immediate meeting of a parliament at Weſtminſter.

Such of the peers as were moſt devoted to the king, were either fled or impriſoned; and no opponents, even among the barons, dared to appear againſt Henry, amidſt that ſcene of outrage and violence, which commonly attends revolutions, eſpecially in England during thoſe turbulent ages. It is alſo eaſy to imagine, that a houſe of commons, elected during this univerſal ferment, and this triumph of the Lancaſtrian party, would be extremely attached to that cauſe, and ready to ſecond every ſuggeſtion of their leaders. That order, being as yet of too little weight to ſtem the torrent, was always carried along with it, and ſerved only to increaſe the violence, which the public intereſt required it ſhould endeavour to control. The duke of Lancaſter, therefore, ſenſible that he ſhould be entirely maſter, began to carry his views to the crown itſelf; and he deliberated with his partiſans concerning the moſt proper means of effecting his daring purpoſe. He firſt extorted a reſignation from Richard; but as he knew that this deed would plainly appear the reſult of force and fear, he alſo purpoſed, notwithſtanding the danger of the precedent to himſelf and his poſterity, to have him ſolemnly depoſed in parliament, for his pretended tyranny and miſconduct. (28th September.) A charge, conſiſting of thirty-three articles, was accordingly drawn up againſt him, and preſented to that aſſembly.

If we examine theſe articles, which are expreſſed with extreme acrimony againſt Richard, we ſhall find that, except ſome raſh ſpeeches which are imputed to him, and of whoſe reality, as they are ſaid to have paſſed in private converſation, we may reaſonably entertain ſome doubt; the chief amount of the charge is contained in his violent conduct during the two laſt years of his reign, and

and naturally divides itſelf into two principal heads. The firſt and moſt conſiderable is the revenge which he took on the princes and great barons, who had formerly uſurped, and ſtill perſevered in controlling and threatening, his authority; the ſecond is the violation of the laws and general privileges of his people. But the former, however irregular in many of its circumſtances, was fully ſupported by authority of parliament, and was but a copy of the violence which the princes and barons themſelves, during their former triumph, had exerciſed againſt him and his party. The detention of Lancaſter's eſtate was, properly ſpeaking, a revocation, by parliamentary authority, of a grace, which the king himſelf had formerly granted him. The murder of Gloceſter (for the ſecret execution, however merited, of that prince, certainly deſerves this appellation) was a private deed, formed not any precedent, and implied not any uſurped or arbitrary power of the crown, which could juſtly give umbrage to the people. It really proceeded from a defect of power in the king, rather than from his ambition; and proves that, inſtead of being dangerous to the conſtitution, he poſſeſſed not even the authority neceſſary for the execution of the laws.

Concerning the ſecond head of accuſation, as it moſtly conſiſts of general facts, was framed by Richard's inveterate enemies, and was never allowed to be anſwered by him or his friends, it is more difficult to form a judgment. The greater part of theſe grievances, imputed to Richard, ſeems to be the exertion of arbitrary prerogatives; ſuch as the diſpenſing power, levying purveyance, employing the marſhal's court, extorting loans, granting protections from law-ſuits; prerogatives which, though often complained of, had often been exerciſed by his predeceſſors, and ſtill continued to be ſo by his ſucceſſors. But whether his irregular acts of this kind were more frequent, and injudicious, and violent than uſual, or were only laid hold of and exaggerated by the factions to which the weakneſs of his reign had given birth, we are not able, at this diſtance, to determine with

with certainty. There is, however, one circumſtance in which his conduct is viſibly different from that of his grandfather: He is not accuſed of having impoſed one arbitrary tax, without conſent of parliament, during his whole reign *: Scarcely a year paſſed during the reign of Edward, which was free from complaints with regard to this dangerous exertion of authority. But, perhaps, the aſcendant which Edward had acquired over the people, together with his great prudence, enabled him to make a uſe very advantageous to his ſubjects of this and other arbitrary prerogatives, and rendered them a ſmaller grievance in his hands, than a leſs abſolute authority in thoſe of his grandſon. This is a point which it would be raſh for us to decide poſitively on either ſide; but it is certain, that a charge drawn up by the duke of Lancaſter, and aſſented to by a parliament ſituated in thoſe circumſtances, forms no manner of preſumption with regard to the unuſual irregularity or violence of the king's conduct in this particular †.

When the charge againſt Richard was preſented to the parliament, though it was liable, almoſt in every article, to objections, it was not canvaſſed, nor examined, nor diſputed in either houſe, and ſeemed to be received with univerſal approbation. One man alone, the biſhop of Carliſle, had the courage, amidſt this general diſloyalty and violence, to appear in defence of his unhappy maſter, and to plead his cauſe againſt all the power of the prevailing party. Though ſome topics,

* We learn from Cotton, that the king, by his chancellor, told the commons, *that they were ſunderly bound to him, and namely in forbearing to charge them with deſmes and fifteens, the which he meant* no more *to charge them in his own perſon.* Theſe words *no more* allude to the practice of his predeceſſors: He had not himſelf impoſed any arbitrary taxes: Even the parliament, in the articles of his depoſition, though they complain of heavy taxes, affirm not that they were impoſed illegally or by arbitrary will.

† See note [Q] at the end of the volume.

employed

employed by that virtuous prelate, may ſeem to favour too much the doctrine of paſſive obedience, and to make too large a ſacrifice of the rights of mankind; he was naturally puſhed into that extreme by his abhorrence of the preſent licentious factions; and ſuch intrepidity, as well as diſintereſtedneſs of behaviour, proves that, whatever his ſpeculative principles were, his heart was elevated far above the meanneſs and abject ſubmiſſion of a ſlave. He repreſented to the parliament, that all the abuſes of government which could juſtly be imputed to Richard, inſtead of amounting to tyranny, were merely the reſult of error, youth, or miſguided counſel, and admitted of a remedy, more eaſy and ſalutary than a total ſubverſion of the conſtitution. That even had they been much more violent and dangerous than they really were, they had chiefly proceeded from former examples of reſiſtance, which, making the prince ſenſible of his precarious ſituation, had obliged him to eſtabliſh his throne by irregular and arbitrary expedients. That a rebellious diſpoſition in ſubjects was the principal cauſe of tyranny in kings: Laws could never ſecure the ſubject, which did not give ſecurity to the ſovereign: And if the maxim of inviolable loyalty, which formed the baſis of the Engliſh government, were once rejected, the privileges belonging to the ſeveral orders of the ſtate, inſtead of being fortified by that licentiouſneſs, would thereby loſe the ſureſt foundation of their force and ſtability. That the parliamentary depoſition of Edward II. far from making a precedent which could control this maxim, was only an example of ſucceſsful violence; and it was ſufficiently to be lamented, that crimes were ſo often committed in the world, without eſtabliſhing principles which might juſtify and authoriſe them. That even that precedent, falſe and dangerous as it was, could never warrant the preſent exceſſes, which were ſo much greater, and which would entail diſtraction and miſery on the nation, to the lateſt poſterity. That the ſucceſſion, at leaſt, of the crown, was then preſerved inviolate: The lineal heir was placed on the throne: And the people had an opportunity, by their legal obedience

dience to him, of making atonement for the violence which they had committed againſt his predeceſſor. That a deſcendant of Lionel duke of Clarence, the elder brother of the late duke of Lancaſter, had been declared in parliament ſucceſſor to the crown: He had left poſterity: And their title, however it might be overpowered by preſent force and faction, could never be obliterated from the minds of the people. That if the turbulent diſpoſition alone of the nation had overturned the well-eſtabliſhed throne of ſo good a prince as Richard; what bloody commotions muſt enſue, when the ſame cauſe was united to the motive of reſtoring the legal and undoubted heir to his authority? That the new government, intended to be eſtabliſhed, would ſtand on no principle; and would ſcarcely retain any pretence, by which it could challenge the obedience of men of ſenſe and virtue. That the claim of lineal deſcent was ſo groſs as ſcarcely to deceive the moſt ignorant of the populace: Conqueſt could never be pleaded by a rebel againſt his ſovereign: The conſent of the people had no authority in a monarchy not derived from conſent, but eſtabliſhed by hereditary right; and however the nation might be juſtified in depoſing the miſguided Richard, it could never have any reaſon for ſetting aſide his lawful heir and ſucceſſor, who was plainly innocent. And that the duke of Lancaſter would give them but a bad ſpecimen of the legal moderation which might be expected from his future government, if he added to the crime of his paſt rebellion, the guilt of excluding the family, which, both by right of blood, and by declaration of parliament, would, in caſe of Richard's demiſe, or voluntary reſignation, have been received as the undoubted heirs of the monarchy.

All the circumſtances of this event, compared to thoſe which attended the late revolution in 1688, ſhow the difference between a great and civilized nation, deliberately vindicating its eſtabliſhed privileges, and a turbulent and barbarous ariſtocracy, plunging headlong from the extremes of one faction into thoſe of another. This noble freedom of the biſhop of Carliſle, inſtead of being applauded,

applauded, was not ſo much as tolerated: He was immediately arreſted, by order of the duke of Lancaſter, and ſent a priſoner to the abbey of St. Alban's. No farther debate was attempted: Thirty-three long articles of charge were, in one meeting, voted againſt Richard; and voted unanimouſly by the ſame peers and prelates who a little before had, voluntarily and unanimouſly, authoriſed thoſe very acts of violence of which they now complained. That prince was depoſed by the ſuffrages of both houſes; and the throne being now vacant, the duke of Lancaſter ſtepped forth, and having croſſed himſelf on the forehead and on the breaſt, and called upon the name of Chriſt, he pronounced theſe words, which we ſhall give in the original language, becauſe of their ſingularity:

In the name of Fadher, Son, and Holy Ghoſt, I Henry of Lancaſter challenge this rewme of Ynglande, and the croun, with all the membres, and the appurtenances; als I that am deſcendit by right line of the blode, coming fro the gude king Henry therde, and throge that right that God of his grace hath ſent me, with helpe of kyn, and of my frendes to recover it; the which rewme was in poynt to be ondone by defaut of governance, and ondoying of the gude lawes.

In order to underſtand this ſpeech, it muſt be obſerved, that there was a ſilly ſtory, received among ſome of the loweſt vulgar, that Edmond earl of Lancaſter, ſon of Henry III. was really the elder brother of Edward I.; but that, by reaſon of ſome deformity in his perſon, he had been poſtponed in the ſucceſſion, and his younger brother impoſed on the nation in his ſtead. As the preſent duke of Lancaſter inherited from Edmond by his mother, this genealogy made him the true heir of the monarchy; and it is therefore inſinuated in Henry's ſpeech: But the abſurdity was too groſs to be openly avowed either by him or by the parliament. The caſe is the ſame with regard to his right of conqueſt: He was a ſubject who rebelled againſt his ſovereign: He entered the

the kingdom with a retinue of no more than ſixty perſons: He could not therefore be the conqueror of England; and this right is accordingly inſinuated, not avowed. Still there is a third claim derived from his merits in ſaving the nation from tyranny and oppreſſion; and this claim is alſo inſinuated: But as it ſeemed, by its nature, better calculated as a reaſon for his being *elected* king by a free choice, than for giving him an immediate right of poſſeſſion, he durſt not ſpeak openly even on this head; and to obviate any notion of election, he challenges the crown as his due, either by acquiſition or inheritance. The whole forms ſuch a piece of jargon and nonſenſe, as is almoſt without example: No objection, however, was made to it in parliament: The unanimous voice of lords and commons placed Henry on the throne: He became king, nobody could tell how or wherefore: The title of the houſe of Marche, formerly recogniſed by parliament, was neither invalidated nor repealed; but paſſed over in total ſilence: And as a concern for the liberties of the people ſeems to have had no hand in this revolution, their right to diſpoſe of the government, as well as all their other privileges, was left preciſely on the ſame footing as before. But Henry having, when he claimed the crown, dropped ſome obſcure hint concerning conqueſt, which, it was thought, might endanger theſe privileges, he ſoon after made a public declaration, that he did not thereby intend to deprive any one of his franchiſes or liberties: Which was the only circumſtance, where we ſhall find meaning or common ſenſe, in all theſe tranſactions.

(6th October.) The ſubſequent events diſcover the ſame headlong violence of conduct, and the ſame rude notions of civil government. The depoſition of Richard diſſolved the parliament: It was neceſſary to ſummon a new one: And Henry, in ſix days after, called together, without any new election, the ſame members; and this aſſembly he denominated a new parliament. They were employed in the uſual taſk of reverſing every deed of the oppoſite party. All the acts of the laſt parliament of Richard, which had been confirmed by their oaths,

oaths, and by a papal bull, were abrogated: All the acts which had paſſed in the parliament where Gloceſter prevailed, which had alſo been confirmed by their oaths, but which had been abrogated by Richard, were anew eſtabliſhed. The anſwers of Treſilian, and the other judges, which a parliament had annulled, but which a new parliament, and new judges, had approved, here received a ſecond condemnation. The peers who had accuſed Gloceſter, Arundel, and Warwic, and who had received higher titles for that piece of ſervice, were all of them degraded from their new dignities: Even the practice of proſecuting appeals in parliament, which bore the air of a violent confederacy againſt an individual, rather than of a legal indictment, was wholly aboliſhed; and trials were reſtored to the courſe of common law. The natural effect of this conduct was to render the people giddy with ſuch rapid and perpetual changes, and to make them loſe all notions of right and wrong in the meaſures of government.

The earl of Northumberland made a motion, in the houſe of peers (23d October), with regard to the unhappy prince whom they had depoſed. He aſked them what advice they would give the king for the future treatment of him; ſince Henry was reſolved to ſpare his life. They unanimouſly replied, that he ſhould be impriſoned under a ſecure guard, in ſome ſecret place, and ſhould be deprived of all commerce with any of his friends or partiſans. It was eaſy to foreſee, that he would not long remain alive in the hands of ſuch barbarous and ſanguinary enemies. Hiſtorians differ with regard to the manner in which he was murdered. It was long the prevailing opinion, that ſir Piers Exton, and others of his guards, fell upon him in the caſtle of Pomfret, where he was confined, and deſpatched him with their halberts. But it is more probable, that he was ſtarved to death in priſon; and after all ſuſtenance was denied him, he prolonged his unhappy life, it is ſaid, for a fortnight, before he reached the end of his miſeries. This account is more conſiſtent with the ſtory, that his body was expoſed in public, and that no marks

of violence were obſerved upon it. He died in the thirty-fourth year of his age, and the twenty-third of his reign. He left no poſterity, either legitimate or illegitimate.

All the writers, who have tranſmitted to us the hiſtory of Richard, lived during the reigns of the Lancaſtrian princes; and candour requires that we ſhould not give entire credit to the reproaches which they have thrown upon his memory. But, after making all proper allowances, he ſtill appears to have been a weak prince, and unfit for government, leſs for want of natural parts and capacity, than of ſolid judgment and a good education. He was violent in his temper; profuſe in his expenſe; fond of idle ſhow and magnificence; devoted to favourites; and addicted to pleaſure: Paſſions, all of them, the moſt inconſiſtent with a prudent economy, and conſequently dangerous in a limited and mixed government. Had he poſſeſſed the talents of gaining, and ſtill more thoſe of overawing, his great barons, he might have eſcaped all the misfortunes of his reign, and been allowed to carry much farther his oppreſſions over the people, if he really was guilty of any, without their daring to rebel, or even to murmur againſt him. But when the grandees were tempted, by his want of prudence and of vigour, to reſiſt his authority, and execute the moſt violent enterpriſes upon him, he was naturally led to ſeek an opportunity of retaliation; juſtice was neglected; the lives of the chief nobility were ſacrificed; and all theſe enormities ſeem to have proceeded leſs from a ſettled deſign of eſtabliſhing arbitrary power, than from the inſolence of victory, and the neceſſities of the king's ſituation. The manners indeed of the age were the chief ſource of ſuch violence: Laws, which were feebly executed in peaceable times, loſt all their authority during public convulſions: Both parties were alike guilty: Or if any difference may be remarked between them, we ſhall find, that the authority of the crown, being more legal, was commonly carried, when it prevailed, to leſs deſperate extremities than was that of the ariſtocracy.

On comparing the conduct and events of this reign, with thoſe of the preceding, we ſhall find equal reaſon to admire

admire Edward, and to blame Richard; but the circumſtance of oppoſition, ſurely, will not lie in the ſtrict regard paid by the former to national privileges, and the neglect of them by the latter. On the contrary, the prince of ſmall abilities, as he felt his want of power, ſeems to have been more moderate in this reſpect than the other. Every parliament aſſembled during the reign of Edward, remonſtrates againſt the exertion of ſome arbitrary prerogative or other: We hear not any complaints of that kind during the reign of Richard, till the aſſembling of his laſt parliament, which was ſummoned by his inveterate enemies, which dethroned him, which framed their complaints during the time of the moſt furious convulſions, and whoſe teſtimony muſt therefore have, on that account, much leſs authority with every equitable judge *. Both theſe princes experienced the encroachments of the Great upon their authority. Edward, reduced to neceſſities, was obliged to make an expreſs bargain with his parliament, and to ſell ſome of his prerogatives for preſent ſupply; but as they were acquainted with his genius and capacity, they ventured not to demand any exorbitant conceſſions, or ſuch as were incompatible with regal and ſovereign power: The weakneſs of Richard tempted the parliament to extort a commiſſion, which, in a manner, dethroned the prince, and transferred the ſceptre into the hands of the nobility. The events of theſe encroachments were alſo ſuitable to the character of each. Edward had no ſooner gotten the ſupply, than he departed from the engagements which had induced the parliament to grant it; he openly told his people, that he had but *diſſembled* with them when he ſeemed to make them theſe conceſſions; and he reſumed and retained all his prerogatives. But Richard, becauſe he was detected in conſulting and deliberating with the judges on the lawfulneſs of reſtoring the conſtitution, found his barons immediately in arms againſt him; was deprived of his

* Peruſe, in this view, the abridgment of the records, by ſir Robert Cotton, during theſe two reigns.

liberty; ſaw his favourites, his miniſters, his tutor, butchered before his face, or baniſhed and attainted; and was obliged to give way to all this violence. There cannot be a more remarkable contraſt between the fortunes of two princes: It were happy for ſociety, did this contraſt always depend on the juſtice or injuſtice of the meaſures which men embrace; and not rather on the different degrees of prudence and vigour with which thoſe meaſures are ſupported.

There was a ſenſible decay of eccleſiaſtical authority during this period. The diſguſt, which the laity had received from the numerous uſurpations both of the court of Rome, and of their own clergy, had very much weaned the kingdom from ſuperſtition; and ſtrong ſymptoms appeared, from time to time, of a general deſire to ſhake off the bondage of the Romiſh church. In the committee of eighteen, to whom Richard's laſt parliament delegated their whole power, there is not the name of one eccleſiaſtic to be found; a neglect which is almoſt without example, while the catholic religion ſubſiſted in England *.

The averſion entertained againſt the eſtabliſhed church ſoon found principles and tenets and reaſonings, by which it could juſtify and ſupport itſelf. John Wickliffe, a ſecular prieſt, educated at Oxford, began in the latter end of Edward III. to ſpread the doctrine of reformation by his diſcourſes, ſermons, and writings; and he made many diſciples among men of all ranks and ſtations. He ſeems to have been a man of parts and learning; and has the honour of being the firſt perſon in Europe, that publicly called in queſtion thoſe principles, which had univerſally paſſed for certain and undiſputed during ſo many ages. Wickliffe himſelf, as well as his diſciples, who received the name of Wickliffites, or Lollards, was diſtinguiſhed by a great auſterity of life and manners; a circumſtance common to almoſt all thoſe who dogmatize in any new way; both becauſe men, who draw to them the attention of the public,

* See note [R] at the end of the volume.

and

and expoſe themſelves to the odium of great multitudes, are obliged to be very guarded in their conduct, and becauſe few, who have a ſtrong propenſity to pleaſure or buſineſs, will enter upon ſo difficult and laborious an undertaking. The doctrines of Wickliffe, being derived from his ſearch into the ſcriptures, and into eccleſiaſtical antiquity, were nearly the ſame with thoſe which were propagated by the reformers in the ſixteenth century: He only carried ſome of them farther than was done by the more ſober part of theſe reformers. He denied the doctrine of the real preſence, the ſupremacy of the church of Rome, the merit of monaſtic vows: He maintained, that the ſcriptures were the ſole rule of faith; that the church was dependant on the ſtate, and ſhould be reformed by it; that the clergy ought to poſſeſs no eſtates; that the begging friars were a nuiſance, and ought not to be ſupported; that the numerous ceremonies of the church were hurtful to true piety: He aſſerted, that oaths were unlawful, that dominion was founded in grace, that every thing was ſubject to fate and deſtiny, and that all men were preordained either to eternal ſalvation or reprobation. From the whole of his doctrines, Wickliffe appears to have been ſtrongly tinctured with enthuſiaſm, and to have been thereby the better qualified to oppoſe a church, whoſe chief characteriſtic is ſuperſtition.

The propagation of theſe principles gave great alarm to the clergy; and a bull was iſſued by pope Gregory XI. for taking Wickliffe into cuſtody, and examining into the ſcope of his opinions. Courteney biſhop of London cited him before his tribunal; but the reformer had now acquired powerful protectors, who ſcreened him from the eccleſiaſtical juriſdiction. The duke of Lancaſter, who then governed the kingdom, encouraged the principles of Wickliffe; and he made no ſcruple, as well as lord Piercy, the mareſchal, to appear openly in court with him, in order to give him countenance upon his trial: He even inſiſted that Wickliffe ſhould ſit in the biſhop's preſence, while his principles were examined; Courteney exclaimed againſt the inſult: The

Londoners, thinking their prelate affronted, attacked the duke and mareſchal, who eſcaped from their hands with ſome difficulty. And the populace, ſoon after, broke into the houſes of both theſe noblemen, threatened their perſons, and plundered their goods. The biſhop of London had the merit of appeaſing their fury and reſentment.

The duke of Lancaſter, however, ſtill continued his protection to Wickliffe during the minority of Richard; and the principles of that reformer had ſo far propagated themſelves, that, when the pope ſent to Oxford a new bull againſt theſe doctrines, the univerſity deliberated for ſome time whether they ſhould receive the bull; and they never took any vigorous meaſures in conſequence of the papal orders. Even the populace of London were at length brought to entertain favourable ſentiments of this reformer: When he was cited before a ſynod at Lambeth, they broke into the aſſembly, and ſo overawed the prelates, who found both the people and the court againſt them, that they diſmiſſed him without any farther cenſure.

The clergy, we may well believe, were more wanting in power than in inclination to puniſh this new hereſy, which ſtruck at all their credit, poſſeſſions, and authority. But there was hitherto no law in England, by which the ſecular arm was authoriſed to ſupport orthodoxy; and the eccleſiaſtics endeavoured to ſupply the defect by an extraordinary and unwarrantable artifice. In the year 1381, there was an act paſſed, requiring ſheriffs to apprehend the preachers of hereſy and their abettors; but this ſtatute had been ſurreptitiouſly obtained by the clergy, and had the formality of an inrolment without the conſent of the commons. In the ſubſequent ſeſſion the lower houſe complained of the fraud; affirmed, that they had no intention to bind themſelves to the prelates farther than their anceſtors had done before them; and required that the pretended ſtatute ſhould be repealed; which was done accordingly. But it is remarkable that, notwithſtanding this vigilance of the commons, the clergy had ſo much art and influence that the repeal was ſup-

ſuppreſſed; and the act, which never had any legal authority, remains to this day upon the ſtatute-book: Though the clergy ſtill thought proper to keep it in reſerve, and not proceed to the immediate execution of it.

But, beſides this defect of power in the church, which ſaved Wickliffe, that reformer himſelf, notwithſtanding his enthuſiaſm, ſeems not to have been actuated by the ſpirit of martyrdom; and, in all ſubſequent trials before the prelates, he ſo explained away his doctrine by tortured meanings, as to render it quite innocent and inoffenſive. Moſt of his followers imitated his cautious diſpoſition, and ſaved themſelves either by recantations or explanations. He died of a palſy, in the year 1385, at his rectory of Lutterworth, in the county of Leiceſter; and the clergy, mortified that he ſhould have eſcaped their vengeance, took care, beſides aſſuring the people of his eternal damnation, to repreſent his laſt diſtemper as a viſible judgment of Heaven upon him for his multiplied hereſies and impieties.

The proſelytes, however, of Wickliffe's opinions ſtill increaſed in England: Some monkiſh writers repreſent one half of the kingdom as infected by thoſe principles: They were carried over to Bohemia by ſome youth of that nation, who ſtudied at Oxford: But though the age ſeemed ſtrongly diſpoſed to receive them, affairs were not yet fully ripe for this great revolution; and the finiſhing blow to eccleſiaſtical power was reſerved to a period of more curioſity, literature, and inclination for novelties.

Meanwhile the Engliſh parliament continued to check the clergy and the court of Rome, by more ſober and more legal expedients. They enacted anew the ſtatute of *proviſors*, and affixed higher penalties to the tranſgreſſion of it, which, in ſome inſtances, was even made capital. The court of Rome had fallen upon a new device, which increaſed their authority over the prelates: The pope, who found that the expedient of arbitrarily depriving them was violent and liable to oppoſition, attained the ſame end, by transferring ſuch of them as were obnoxious to poorer ſees, and even to nominal

ſees,

ſees, *in partibus infidelium*. It was thus that the archbiſhop of York, and the biſhops of Durham and Chicheſter, the king's miniſters, had been treated after the prevalence of Gloceſter's faction: The biſhop of Carliſle met with the ſame fate after the acceſſion of Henry IV. For the pope always joined with the prevailing powers when they did not thwart his pretenſions. The parliament, in the reign of Richard, enacted a law againſt this abuſe: And the king made a general remonſtrance to the court of Rome againſt all thoſe uſurpations, which he calls *horrible exceſſes* of that court.

It was uſual for the church, that they might elude the mortmain act, to make their votaries leave lands in truſt to certain perſons, under whoſe name the clergy enjoyed the benefit of the bequeſt: The parliament alſo ſtopped the progreſs of this abuſe. In the 17th of the king, the commons prayed, *that remedy might be had againſt ſuch religious perſons as cauſe their villains to marry free women inheritable, whereby the eſtate comes to thoſe religious hands by colluſion*. This was a new device of the clergy.

The papacy was, at this time, ſomewhat weakened by a ſchiſm, which laſted during forty years, and gave great ſcandal to the devoted partiſans of the holy ſee. After the pope had reſided many years at Avignon, Gregory XI. was perſuaded to return to Rome; and upon his death, without happened in 1380, the Romans, reſolute to fix, for the future, the ſeat of the papacy in Italy, beſieged the cardinals in the conclave, and compelled them, though they were moſtly Frenchmen, to elect Urban VI. an Italian, into that high dignity. The French cardinals, as ſoon as they recovered their liberty, fled from Rome, and proteſting againſt the forced election, choſe Robert, ſon of the count of Geneva, who took the name of Clement VII. and reſided at Avignon. All the kingdoms of Chriſtendom, according to their ſeveral intereſts and inclinations, were divided between theſe two pontiffs. The court of France adhered to Clement, and was followed by its allies, the king of Caſtile, and the king of Scotland: England, of courſe, was thrown into the other party, and declared for Urban.

Thus

Thus the appellation of *Clementines* and *Urbaniſts* diſtracted Europe for ſeveral years; and each party damned the other as ſchiſmatics, and as rebels to the true vicar of Chriſt. But this circumſtance, though it weakened the papal authority, had not ſo great an effect as might naturally be imagined. Though any king could eaſily at firſt make his kingdom embrace the party of one pope or the other, or even keep it ſome time in ſuſpenſe between them, he could not ſo eaſily transfer his obedience at pleaſure: The people attached themſelves to their own party, as to a religious opinion; and conceived an extreme abhorrence to the oppoſite party, whom they regarded as little better than Saracens or infidels. Cruſades were even undertaken in this quarrel; and the zealous biſhop of Norwich in particular led over, in 1382, near 60,000 bigots into Flanders againſt the Clementines; but, after loſing a great part of his followers, he returned with diſgrace into England. Each pope, ſenſible, from this prevailing ſpirit among the people, that the kingdom which once embraced his cauſe would always adhere to him, boldly maintained all the pretenſions of his ſee, and ſtood not much more in awe of the temporal ſovereigns, than if his authority had not been endangered by a rival.

We meet with this preamble to a law enacted at the very beginning of this reign: "Whereas divers perſons "of ſmall garriſon of land or other poſſeſſions, do make "great retinue of people, as well of eſquires as of "others, in many parts of the realm, giving to them "hats and other livery of one ſuit by year, taking again "towards them the value of the ſame livery, or percaſe "the double value, by ſuch covenant and aſſurance, "that every of them ſhall maintain other in all quarrels, "be they reaſonable or unreaſonable, to the great miſ-"chief and oppreſſion of the people, &c." This preamble contains a true picture of the ſtate of the kingdom. The laws had been ſo feebly executed, even during the long, active, and vigilant reign of Edward III. that no ſubject could truſt to their protection. Men openly aſſociated themſelves under the patronage of ſome great baron,

baron, for their mutual defence. They wore public badges, by which their confederacy was diſtinguiſhed. They ſupported each other in all quarrels, iniquities, extortions, murders, robberies, and other crimes. Their chief was more their ſovereign than the king himſelf; and their own band was more connected with them than their country. Hence the perpetual turbulence, diſorders, factions, and civil wars of thoſe times: Hence the ſmall regard paid to a character or the opinion of the public: Hence the large diſcretionary prerogatives of the crown, and the danger which might have enſued from the too great limitation of them. If the king had poſſeſſed no arbitrary powers, while all the nobles aſſumed and exerciſed them, there muſt have enſued an abſolute anarchy in the ſtate.

One great miſchief attending theſe confederacies, was the extorting from the king pardons for the moſt enormous crimes. The parliament often endeavoured in the laſt reign to deprive the prince of this prerogative; but in the preſent, they were content with an abridgment of it. They enacted, that no pardon for rapes or for murder from malice prepenſe ſhould be valid, unleſs the crime were particularly ſpecified in it. There were alſo ſome other circumſtances required for paſſing any pardon of this kind: An excellent law; but ill obſerved, like moſt laws that thwart the manners of the people, and the prevailing cuſtoms of the times.

It is eaſy to obſerve, from theſe voluntary aſſociations among the people, that the whole force of the feudal ſyſtem was in a manner diſſolved, and that the Engliſh had nearly returned, in that particular, to the ſame ſituation in which they ſtood before the Norman conqueſt. It was, indeed, impoſſible that that ſyſtem could long ſubſiſt under the perpetual revolutions to which landed property is every-where ſubject. When the great feudal baronies were firſt erected, the lord lived in opulence in the midſt of his vaſſals: He was in a ſituation to protect and cheriſh and defend them: The quality of patron naturally united itſelf to that of ſuperior: And theſe two principles of authority mutually ſupported each other,

other. But when, by the various diviſions and mixtures of property, a man's ſuperior came to live at a diſtance from him, and could no longer give him ſhelter or countenance; the tie gradually became more fictitious than real: New connexions from vicinity or other cauſes were formed: Protection was ſought by voluntary ſervices and attachment: The appearance of valour, ſpirit, abilities in any great man, extended his intereſt very far: And if the ſovereign were deficient in theſe qualities, he was no leſs, if not more, expoſed to the uſurpations of the ariſtocracy, than even during the vigour of the feudal ſyſtem.

The greateſt novelty introduced into the civil government during this reign was the creation of peers by patent. Lord Beauchamp of Holt was the firſt peer that was advanced to the houſe of lords in this manner. The practice of levying benevolences is alſo firſt mentioned in the preſent reign.

This prince lived in a more magnificent manner than perhaps any of his predeceſſors or ſucceſſors. His houſehold conſiſted of 10,000 perſons: He had 300 in his kitchen; and all the other offices were furniſhed in proportion *. It muſt be remarked, that this enormous train had tables ſupplied them at the king's expenſe, according to the mode of that age. Such prodigality was probably the ſource of many exactions by purveyors, and was one chief reaſon of the public diſcontents.

* Harding: This poet ſays, that he ſpeaks from the authority of a clerk of the green cloth.

CHAP. XVIII.

HENRY IV.

Title of the king—An insurrection—An insurrection in Wales—The earl of Northumberland rebels—Battle of Shrewsbury—State of Scotland—Parliamentary transactions—Death—and character of the king.

THE Engliſh had ſo long been familiariſed to the hereditary ſucceſſion of their monarchs, the inſtances of departure from it had always borne ſuch ſtrong ſymptoms of injuſtice and violence, and ſo little of a national choice or election, and the returns to the true line had ever been deemed ſuch fortunate incidents in their hiſtory, that Henry was afraid leſt, in reſting his title on the conſent of the people, he ſhould build on a foundation to which the people themſelves were not accuſtomed, and whoſe ſolidity they would with difficulty be brought to recogniſe. The idea too of choice ſeemed always to imply that of conditions, and a right of recalling the conſent upon any ſuppoſed violation of them; an idea which was not naturally agreeable to a ſovereign, and might, in England, be dangerous to the ſubjects, who, lying ſo much under the influence of turbulent nobles, had ever paid but an imperfect obedience even to their hereditary princes. For theſe reaſons, Henry was determined never to have recourſe to this claim; the only one on which his authority could conſiſtently ſtand: He rather choſe to patch up his title in the beſt manner he could from other pretenſions: And, in the end, he left himſelf, in the eyes of men of ſenſe, no ground of right but his preſent poſſeſſion; a very precarious foundation, which, by its very nature, was liable to be overthrown by every faction of the great, or prejudice of the people. He had indeed a preſent advantage over his competitor: The heir of the houſe of Mortimer, who had been declared in parliament heir to the crown, was a boy of ſeven years of age: His friends conſulted his ſafety,

Engraved by Edwin, from an Original Painting.

HENRY IV.

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ſafety, by keeping ſilence with regard to his title: Henry detained him and his younger brother in an honourable cuſtody at Windſor caſtle: But he had reaſon to dread, that, in proportion as that nobleman grew to man's eſtate, he would draw to him the attachment of the people, and make them reflect on the fraud, violence, and injuſtice, by which he had been excluded from the throne. Many favourable topics would occur in his behalf: He was a native of England; poſſeſſed an extenſive intereſt from the greatneſs and alliances of his family; however criminal the depoſed monarch, this youth was entirely innocent; he was of the ſame religion, and educated in the ſame manners with the people, and could not be governed by any ſeparate intereſt: Theſe views would all concur to favour his claim; and though the abilities of the preſent prince might ward off any dangerous revolution, it was juſtly to be apprehended, that his authority could with difficulty be brought to equal that of his predeceſſors.

Henry, in his very firſt parliament, had reaſon to ſee the danger attending that ſtation which he had aſſumed, and the obſtacles which he would meet with in governing an unruly ariſtocracy, always divided by faction, and at preſent inflamed with the reſentments conſequent on ſuch recent convulſions. The peers, on their aſſembling, broke out into violent animoſities againſt each other; forty gauntlets, the pledges of furious battle, were thrown on the floor of the houſe by noblemen who gave mutual challenges; and *liar* and *traitor* reſounded from all quarters. The king had ſo much authority with theſe doughty champions, as to prevent all the combats which they threatened; but he was not able to bring them to a proper compoſure, or to an amicable diſpoſition towards each other.

(1400.) It was not long before theſe paſſions broke into action. The earls of Rutland, Kent, and Huntingdon, and lord Spencer, who were now degraded from the reſpective titles of Albemarle, Surrey, Exeter, and Gloceſter, conferred on them by Richard, entered into a conſpiracy, together with the earl of Saliſbury and lord

Lumley, for raiſing an inſurrection, and for ſeizing the king's perſon at Windſor; but the treachery of Rutland gave him warning of the danger. He ſuddenly withdrew to London; and the conſpirators, who came to Windſor with a body of 500 horſe, found that they had miſſed this blow, on which all the ſucceſs of their enterpriſe depended. Henry appeared next day at Kingſton upon Thames, at the head of 20,000 men, moſtly drawn from the city; and his enemies, unable to reſiſt his power, diſperſed themſelves, with a view of raiſing their followers in the ſeveral counties which were the ſeat of their intereſt. But the adherents of the king were hot in the purſuit, and every-where oppoſed themſelves to their progreſs. The earls of Kent and Saliſbury were ſeized at Cirenceſter by the citizens; and were next day beheaded without farther ceremony, according to the cuſtom of the times. The citizens of Briſtol treated Spencer and Lumley in the ſame manner. The earl of Huntingdon, ſir Thomas Blount, and ſir Benedict Sely, who were alſo taken priſoners, ſuffered death, with many others of the conſpirators, by orders from Henry. And when the quarters of theſe unhappy men were brought to London, no leſs than eighteen biſhops and thirty-two mitred abbots joined the populace, and met them with the moſt indecent marks of joy and exultation.

But the ſpectacle, the moſt ſhocking to every one who retained any ſentiment either of honour or humanity, ſtill remained. The earl of Rutland appeared, carrying on a pole the head of lord Spencer, his brother-in-law, which he preſented in triumph to Henry as a teſtimony of his loyalty. This infamous man, who was ſoon after duke of York by the death of his father, and firſt prince of the blood, had been inſtrumental in the murder of his uncle the duke of Gloceſter; had then deſerted Richard, by whom he was truſted; had conſpired againſt the life of Henry, to whom he had ſworn allegiance; had betrayed his aſſociates, whom he had ſeduced into this enterpriſe; and now diſplayed, in the face of the world, theſe badges of his multiplied diſhonour.

(1401.)

(1401.) Henry was ſenſible, that though the execution of theſe conſpirators might ſeem to give ſecurity to his throne, the animoſities, which remain after ſuch bloody ſcenes, are always dangerous to royal authority; and he therefore determined not to increaſe, by any hazardous enterpriſe, thoſe numerous enemies with whom he was every-where environed. While a ſubject, he was believed to have ſtrongly imbibed all the principles of his father, the duke of Lancaſter, and to have adopted the prejudices which the Lollards inſpired againſt the abuſes of the eſtabliſhed church: But, finding himſelf poſſeſſed of the throne by ſo precarious a title, he thought ſuperſtition a neceſſary implement of public authority; and he reſolved, by every expedient, to pay court to the clergy. There were hitherto no penal laws enacted againſt hereſy; an indulgence which had proceeded, not from a ſpirit of toleration in the Romiſh church, but from the ignorance and ſimplicity of the people, which had rendered them unfit either for ſtarting or receiving any new or curious doctrines, and which needed not to be reſtrained by rigorous penalties. But when the learning and genius of Wickliffe had once broken, in ſome meaſure, the fetters of prejudice, the eccleſiaſtics called aloud for the puniſhment of his diſciples; and the king, who was very little ſcrupulous in his conduct, was eaſily induced to ſacrifice his principles to his intereſt, and to acquire the favour of the church by that moſt effectual method, the gratifying of their vengeance againſt opponents. He engaged the parliament to paſs a law for that purpoſe: It was enacted, that when any heretic, who relapſed, or refuſed to abjure his opinions, was delivered over to the ſecular arm by the biſhop or his commiſſaries, he ſhould be committed to the flames by the civil magiſtrate before the whole people. This weapon did not long remain unemployed in the hands of the clergy: William Sautré, rector of St. Oſithes in London, had been condemned by the convocation of Canterbury; his ſentence was ratified by the houſe of peers; the king iſſued his writ for the execution; and the unhappy man atoned for his erroneous opinions by the pe-

nalty of fire. This is the firſt inſtance of that kind in England; and thus one horror more was added to thoſe diſmal ſcenes which at that time were already but too familiar to the people.

But the utmoſt precaution and prudence of Henry could not ſhield him from thoſe numerous inquietudes which aſſailed him from every quarter. The connexions of Richard with the royal family of France made that court exert its activity to recover his authority, or revenge his death; but though the confuſions in England tempted the French to engage in ſome enterpriſe by which they might diſtreſs their ancient enemy, the greater confuſions which they experienced at home obliged them quickly to accommodate matters; and Charles, content with recovering his daughter from Henry's hands, laid aſide his preparations, and renewed the truce between the kingdoms. The attack of Guienne was alſo an inviting attempt, which the preſent factions that prevailed among the French obliged them to neglect. The Gaſcons, affectionate to the memory of Richard, who was born among them, refuſed to ſwear allegiance to a prince that had dethroned and murdered him; and the appearance of a French army on their frontiers would probably have tempted them to change maſters. But the earl of Worceſter, arriving with ſome Engliſh troops, gave countenance to the partiſans of Henry, and overawed their opponents. Religion too was here found a cement to their union with England. The Gaſcons had been engaged, by Richard's authority, to acknowledge the pope of Rome; and they were ſenſible, that, if they ſubmitted to France, it would be neceſſary for them to pay obedience to the pope of Avignon, whom they had been taught to deteſt as a ſchiſmatic. Their principles on this head were too faſt rooted to admit of any ſudden or violent alteration.

The revolution in England proved likewiſe the occaſion of an inſurrection in Wales. Owen Glendour, or Glendourduy, deſcended from the ancient princes of that country, had become obnoxious on account of his attachment to Richard; and Reginald lord Gray of Ruthyn, who

who was closely connected with the new king, and who enjoyed a great fortune in the marches of Wales, thought the opportunity favourable for oppressing his neighbour, and taking possession of his estate. Glendour, provoked at the injustice, and still more at the indignity, recovered possession by the sword: Henry sent assistance to Gray; the Welsh took part with Glendour: A troublesome and tedious war was kindled, which Glendour long sustained by his valour and activity, aided by the natural strength of the country, and the untamed spirit of its inhabitants.

As Glendour committed devastations promiscuously on all the English, he infested the estate of the earl of Marche; and sir Edmund Mortimer, uncle to that nobleman, led out the retainers of the family, and gave battle to the Welsh chieftain: His troops were routed, and he was taken prisoner: At the same time the earl himself, who had been allowed to retire to his castle of Wigmore, and who, though a mere boy, took the field with his followers, fell also into Glendour's hands, and was carried by him into Wales. As Henry dreaded and hated all the family of Marche, he allowed the earl to remain in captivity; and though that young nobleman was nearly allied to the Piercies, to whose assistance he himself had owed his crown, he refused to the earl of Northumberland permission to treat of his ransom with Glendour.

The uncertainty in which Henry's affairs stood during a long time with France, as well as the confusions incident to all great changes in government, tempted the Scots to make incursions into England; and Henry, desirous of taking revenge upon them, but afraid of rendering his new government unpopular by requiring great supplies from his subjects, summoned at Westminster a council of the peers, without the commons, and laid before them the state of his affairs. The military part of the feudal constitution was now much decayed: There remained only so much of that fabric as affected the civil rights and properties of men: And the peers here undertook, but voluntarily, to

attend the king in an expedition againſt Scotland, each of them at the head of a certain number of his retainers. Henry conducted this army to Edinburgh, of which he eaſily made himſelf maſter; and he there ſummoned Robert III. to do homage to him for his crown. But finding that the Scots would neither ſubmit nor give him battle, he returned in three weeks, after making this uſeleſs bravado; and he diſbanded his army.

(1402.) In the ſubſequent ſeaſon, Archibald earl of Douglas, at the head of 12,000 men, and attended by many of the principal nobility of Scotland, made an irruption into England, and committed devaſtations on the northern counties. On his return home, he was overtaken by the Piercies at Homeldon, on the borders of England, and a fierce battle enſued, where the Scots were totally routed. Douglas himſelf was taken priſoner; as was Mordac earl of Fife, ſon of the duke of Albany, and nephew of the Scottiſh king, with the earls of Angus, Murray, and Orkney, and many others of the gentry and nobility. When Henry received intelligence of this victory, he ſent the earl of Northumberland orders not to ranſom his priſoners, which that nobleman regarded as his right by the laws of war received in that age. The king intended to detain them, that he might be able, by their means, to make an advantageous peace with Scotland; but by this policy he gave a freſh diſguſt to the family of Piercy.

(1403.) The obligations which Henry had owed to Northumberland were of a kind the moſt likely to produce ingratitude on the one ſide, and diſcontent on the other. The ſovereign naturally became jealous of that power which had advanced him to the throne; and the ſubject was not eaſily ſatisfied in the returns which he thought ſo great a favour had merited. Though Henry, on his acceſſion, had beſtowed the office of conſtable on Northumberland for life, and conferred other gifts on that family, theſe favours were regarded as their due; the refuſal of any other requeſt was deemed an injury. The impatient ſpirit of Harry Piercy, and the factious diſpoſition of the earl of Worceſter, younger brother

of

of Northumberland, inflamed the diſcontents of that nobleman; and the precarious title of Henry tempted him to ſeek revenge, by overturning that throne which he had at firſt eſtabliſhed. He entered into a correſpondence with Glendour: He gave liberty to the earl of Douglas, and made an alliance with that martial chief: He rouſed up all his partiſans to arms; and ſuch unlimited authority at that time belonged to the great families, that the ſame men, whom a few years before he had conducted againſt Richard, now followed his ſtandard in oppoſition to Henry. When war was ready to break out, Northumberland was ſeized with a ſudden illneſs at Berwic; and young Piercy, taking the command of the troops, marched towards Shrewſbury, in order to join his forces with thoſe of Glendour. The king had happily a ſmall army on foot, with which he had intended to act againſt the Scots; and knowing the importance of celerity in all civil wars, he inſtantly hurried down, that he might give battle to the rebels. He approached Piercy near Shrewſbury, before that nobleman was joined by Glendour; and the policy of one leader, and impatience of the other, made them haſten to a general engagement.

The evening before the battle, Piercy ſent a manifeſto to Henry, in which he renounced his allegiance, ſet that prince at defiance, and, in the name of his father and uncle, as well as his own, enumerated all the grievances of which, he pretended, the nation had reaſon to complain. He upbraided him with the perjury of which he had been guilty, when, on landing at Ravenſpur, he had ſworn upon the goſpels, before the earl of Northumberland, that he had no other intention than to recover the dutchy of Lancaſter, and that he would ever remain a faithful ſubject to king Richard. He aggravated his guilt in firſt dethroning, then murdering that prince, and in uſurping on the title of the houſe of Mortimer, to whom, both by lineal ſucceſſion, and by declarations of parliament, the throne, when vacant by Richard's demiſe, did of right belong. He complained of his cruel policy in allowing the young

earl

earl of Marche, whom he ought to regard as his ſovereign, to remain a captive in the hands of his enemies, and in even refuſing to all his friends permiſſion to treat of his ranſom. He charged him again with perjury in loading the nation with heavy taxes, after having ſworn that, without the utmoſt neceſſity, he would never levy any impoſitions upon them. And he reproached him with the arts employed in procuring favourable elections into parliament; arts which he himſelf had before imputed as a crime to Richard, and which he had made one chief reaſon of that prince's arraignment and depoſition. This manifeſto was well calculated to inflame the quarrel between the parties: The bravery of the two leaders promiſed an obſtinate engagement: And the equality of the armies, being each about 12,000 men, a number which was not unmanageable by the commanders, gave reaſon to expect a great effuſion of blood on both ſides, and a very doubtful iſſue to the combat.

(1403, 21ſt July.) We ſhall ſcarcely find any battle in thoſe ages where the ſhock was more terrible and more conſtant. Henry expoſed his perſon in the thickeſt of the fight: His gallant ſon, whoſe military atchievements were afterwards ſo renowned, and who here performed his noviciate in arms, ſignalized himſelf on his father's footſteps, and even a wound, which he received in the face with an arrow, could not oblige him to quit the field. Piercy ſupported that fame which he had acquired in many a bloody combat: And Douglas, his ancient enemy, and now his friend, ſtill appeared his rival, amidſt the horror and confuſion of the day. This nobleman performed feats of valour which are almoſt incredible: He ſeemed determined that the king of England ſhould that day fall by his arm: He ſought him all over the field of battle: And as Henry, either to elude the attacks of the enemy upon his perſon, or to encourage his own men by the belief of his preſence every-where, had accoutred ſeveral captains in the royal garb, the ſword of Douglas rendered this honour fatal to many. But while the armies were contending in this

this furious manner, the death of Piercy, by an unknown hand, decided the victory, and the royaliſts prevailed. There are ſaid to have fallen that day, on both ſides, near two thouſand three hundred gentlemen; but the perſons of greateſt diſtinction were on the king's; the earl of Stafford, ſir Hugh Shirley, ſir Nicholas Gauſel, ſir Hugh Mortimer, ſir John Maſſey, ſir John Calverly. About ſix thouſand private men periſhed, of whom two thirds were of Piercy's army. The earls of Worceſter and Douglas were taken priſoners: The former was beheaded at Shrewſbury; the latter was treated with the courteſy due to his rank and merit.

The earl of Northumberland, having recovered from his ſickneſs, had levied a freſh army, and was on his march to join his ſon; but being oppoſed by the earl of Weſtmoreland, and hearing of the defeat at Shrewſbury, he diſmiſſed his forces, and came with a ſmall retinue to the king at York. He pretended that his ſole intention in arming was to mediate between the parties: Henry thought proper to accept of the apology, and even granted him a pardon for his offence: All the other rebels were treated with equal lenity; and, except the earl of Worceſter and ſir Richard Vernon, who were regarded as the chief authors of the inſurrection, no perſon engaged in this dangerous enterpriſe ſeems to have periſhed by the hands of the executioner.

(1405.) But Northumberland, though he had been pardoned, knew that he never ſhould be truſted, and that he was too powerful to be cordially forgiven by a prince whoſe ſituation gave him ſuch reaſonable grounds of jealouſy. It was the effect either of Henry's vigilance or good fortune, or of the narrow genius of his enemies, that no proper concert was ever formed among them: They roſe in rebellion one after another; and thereby afforded him an opportunity of ſuppreſſing ſingly thoſe inſurrections, which, had they been united, might have proved fatal to his authority. The earl of Nottingham, ſon of the duke of Norfolk, and the archbiſhop

biſhop of York, brother to the earl of Wiltſhire, whom Henry, then duke of Lancaſter, had beheaded at Briſtol, though they had remained quiet while Piercy was in the field, ſtill harboured in their breaſt a violent hatred againſt the enemy of their families; and they determined, in conjunction with the earl of Northumberland, to ſeek revenge againſt him. They betook themſelves to arms before that powerful nobleman was prepared to join them; and publiſhing a manifeſto, in which they reproached Henry with his uſurpation of the crown, and the murder of the late king, they required that the right line ſhould be reſtored, and all public grievances be redreſſed. The earl of Weſtmoreland, whoſe power lay in the neighbourhood, approached them with an inferior force at Shipton, near York; and, being afraid to hazard an action, he attempted to ſubdue them by a ſtratagem, which nothing but the greateſt folly and ſimplicity on their part could have rendered ſucceſsful. He deſired a conference with the archbiſhop and earl between the armies: He heard their grievances with great patience: He begged them to propoſe the remedies: He approved of every expedient which they ſuggeſted: He granted them all their demands: He alſo engaged that Henry ſhould give them entire ſatisfaction; and when he ſaw them pleaſed with the facility of his conceſſions, he obſerved to them, that ſince amity was now, in effect, reſtored between them, it were better on both ſides to diſmiſs their forces, which otherwiſe would prove an inſupportable burden to the country. The archbiſhop and the earl of Nottingham immediately gave directions to that purpoſe: Their troops diſbanded upon the field: But Weſtmoreland, who had ſecretly iſſued contrary orders to *his* army, ſeized the two rebels without reſiſtance, and carried them to the king, who was advancing with haſty marches to ſuppreſs the inſurrection. The trial and puniſhment of an archbiſhop might have proved a troubleſome and dangerous undertaking, had Henry proceeded regularly, and allowed time for an oppoſition to form itſelf againſt that unuſual meaſure: The celerity of the execution alone could here render

render it ſafe and prudent. Finding that ſir William Gaſcoigne, the chief juſtice, made ſome ſcruple of acting on this occaſion, he appointed ſir William Fulthorpe for judge; who, without any indictment, trial, or defence, pronounced ſentence of death upon the prelate, which was preſently executed. This was the firſt inſtance in England of a capital puniſhment inflicted on a biſhop; whence the clergy of that rank might learn that their crimes, more than thoſe of laics, were not to paſs with impunity. The earl of Nottingham was condemned and executed in the ſame ſummary manner: But though many other perſons of condition, ſuch as lord Falconberg, ſir Ralph Haſtings, ſir John Colville, were engaged in this rebellion, no others ſeem to have fallen victims to Henry's ſeverity.

The earl of Northumberland, on receiving this intelligence, fled into Scotland, together with lord Bardolf; and the king, without oppoſition, reduced all the caſtles and fortreſſes belonging to theſe noblemen. He thence turned his arms againſt Glendour, over whom his ſon, the prince of Wales, had obtained ſome advantages: But that enemy, more troubleſome than dangerous, ſtill found means of defending himſelf in his faſtneſſes, and of eluding, though not reſiſting, all the force of England. In a ſubſequent ſeaſon (1407), the earl of Northumberland and lord Bardolf, impatient of their exile, entered the north, in hopes of raiſing the people to arms; but found the country in ſuch a poſture as rendered all their attempts unſucceſsful. Sir Thomas Rokeſby, ſheriff of Yorkſhire, levied ſome forces, attacked the invaders at Bramham, and gained a victory, in which both Northumberland and Bardolf were ſlain. This proſperous event, joined to the death of Glendour, which happened ſoon after, freed Henry from all his domeſtic enemies; and this prince, who had mounted the throne by ſuch unjuſtifiable means, and held it by ſuch an exceptionable title, had yet, by his valour, prudence, and addreſs, accuſtomed the people to the yoke, and had obtained a greater aſcendant over his haughty

haughty barons than the law alone, not ſupported by theſe active qualities, was ever able to confer.

About the ſame time, fortune gave Henry an advantage over that neighbour, who, by his ſituation, was moſt enabled to diſturb his government. Robert III. king of Scots, was a prince, though of ſlender capacity, extremely innocent and inoffenſive in his conduct: But Scotland, at that time, was ſtill leſs fitted than England for cheriſhing, or even enduring ſovereigns of that character. The duke of Albany, Robert's brother, a prince of more abilities, at leaſt of a more boiſterous and violent diſpoſition, had aſſumed the government of the ſtate; and, not ſatisfied with preſent authority, he entertained the criminal purpoſe of extirpating his brother's children, and of acquiring the crown to his own family. He threw into priſon David, his eldeſt nephew, who there periſhed by hunger: James alone, the younger brother of David, ſtood between that tyrant and the throne; and king Robert, ſenſible of his ſon's danger, embarked him on board a ſhip, with a view of ſending him to France, and entruſting him to the protection of that friendly power. Unfortunately, the veſſel was taken by the Engliſh; prince James, a boy about nine years of age, was carried to London; and though there ſubſiſted at that time a truce between the kingdoms, Henry refuſed to reſtore the young prince to his liberty. Robert, worn out with cares and infirmities, was unable to bear the ſhock of this laſt misfortune; and he ſoon after died, leaving the government in the hands of the duke of Albany. Henry was now more ſenſible than ever of the importance of the acquiſition which he had made: While he retained ſuch a pledge, he was ſure of keeping the duke of Albany in dependance; or if offended he could eaſily, by reſtoring the true heir, take ample revenge upon the uſurper. But though the king, by detaining James in the Engliſh court, had ſhown himſelf ſomewhat deficient in generoſity, he made ample amends by giving that prince an excellent education, which afterwards qualified him, when he mounted the throne, to reform, in ſome meaſure,

ſure, the rude and barbarous manners of his native country.

The hoſtile diſpoſitions which of late had prevailed between France and England were reſtrained, during the greater part of this reign, from appearing in action. The jealouſies and civil commotions with which both nations were diſturbed, kept each of them from taking advantage of the unhappy ſituation of its neighbour. But as the abilities and good fortune of Henry had ſooner been able to compoſe the Engliſh factions, this prince began, in the latter part of his reign, to look abroad, and to foment the animoſities between the families of Burgundy and Orleans, by which the government of France was, during that period, ſo much diſtracted. He knew that one great ſource of the national diſcontent againſt his predeceſſor was the inactivity of his reign; and he hoped, by giving a new direction to the reſtleſs and unquiet ſpirits of his people, to prevent their breaking out in domeſtic wars and diſorders. That he might unite policy with force, he firſt entered into treaty with the duke of Burgundy (1411), and ſent that prince a ſmall body of troops, which ſupported him againſt his enemies. Soon after, he hearkened to more advantageous propoſals made him by the duke of Orleans, and deſpatched a greater body to ſupport that party. (1412.) But the leaders of the oppoſite factions having made a temporary accommodation, the intereſts of the Engliſh were ſacrificed; and this effort of Henry proved, in the iſſue, entirely vain and fruitleſs. The declining ſtate of his health, and the ſhortneſs of his reign, prevented him from renewing the attempt, which his more fortunate ſon carried to ſo great a length againſt the French monarchy.

Such were the military and foreign tranſactions of this reign: The civil and parliamentary are ſomewhat more memorable, and more worthy of our attention. During the two laſt reigns, the elections of the commons had appeared a circumſtance of government not to be neglected; and Richard was even accuſed of uſing unwarrantable methods for procuring to his partiſans a ſeat in

that houſe. This practice formed one conſiderable article of charge againſt him in his depoſition; yet Henry ſcrupled not to tread in his footſteps, and to encourage the ſame abuſes in elections. Laws were enacted againſt ſuch undue influence, and even a ſheriff was puniſhed for an iniquitous return which he had made: But laws were commonly, at that time, very ill executed; and the liberties of the people, ſuch as they were, ſtood on a ſurer baſis than on laws and parliamentary elections. Though the houſe of commons was little able to withſtand the violent currents which perpetually ran between the monarchy and the ariſtocracy, and though that houſe might eaſily be brought, at a particular time, to make the moſt unwarrantable conceſſions to either; the general inſtitutions of the ſtate ſtill remained invariable; the intereſts of the ſeveral members continued on the ſame footing; the ſword was in the hands of the ſubject; and the government, though thrown into temporary diſorder, ſoon ſettled itſelf on its ancient foundations.

During the greater part of this reign, the king was obliged to court popularity; and the houſe of commons, ſenſible of their own importance, began to aſſume powers which had not uſually been exerciſed by their predeceſſors. In the firſt year of Henry, they procured a law, that no judge, in concurring with any iniquitous meaſure, ſhould be excuſed by pleading the orders of the king, or even the danger of his own life from the menaces of the ſovereign. In the ſecond year, they inſiſted on maintaining the practice of not granting any ſupply before they received an anſwer to their petitions; which was a tacit manner of bargaining with the prince. In the fifth year, they deſired the king to remove from his houſehold four perſons who had diſpleaſed them, among whom was his own confeſſor; and Henry, though he told them that he knew of no offence which theſe men had committed, yet, in order to gratify them, complied with their requeſt. In the ſixth year, they voted the king ſupplies, but appointed treaſurers of their own, to ſee the money diſburſed for the purpoſes intended, and re-

quired them to deliver in their accounts to the houſe. In the eighth year, they propoſed, for the regulation of the government and houſehold, thirty important articles, which were all agreed to; and they even obliged all the members of council, all the judges, and all the officers of the houſehold, to ſwear to the obſervance of them. The abridger of the records remarks the unuſual liberties taken by the ſpeaker and the houſe during this period. But the great authority of the commons was but a temporary advantage, ariſing from the preſent ſituation. In a ſubſequent parliament, when the ſpeaker made his cuſtomary application to the throne for liberty of ſpeech, the king, having now overcome all his domeſtic difficulties, plainly told him, that he would have no novelties introduced, and would enjoy his prerogatives. But on the whole, the limitations of the government ſeem to have been more ſenſibly felt, and more careſully maintained by Henry, than by any of his predeceſſors.

During this reign, when the houſe of commons were, at any time, brought to make unwary conceſſions to the crown, they alſo ſhowed their freedom by a ſpeedy retractation of them. Henry, though he entertained a perpetual and well-grounded jealouſy of the family of Mortimer, allowed not their name to be once mentioned in parliament; and as none of the rebels had ventured to declare the earl of Marche king, he never attempted to procure, what would not have been refuſed him, an expreſs declaration againſt the claim of that nobleman; becauſe he knew that ſuch a declaration, in the preſent circumſtances, would have no authority, and would only ſerve to revive the memory of Mortimer's title in the minds of the people. He proceeded in his purpoſe after a more artful and covert manner. He procured a ſettlement of the crown on himſelf and his heirs-male, thereby tacitly excluding the females, and transferring the Salic law into the Engliſh government. He thought that, though the houſe of Plantagenet had at firſt derived their title from a female, this was a remote event, unknown to the generality of the people; and if he could once ac-

cuſtom them to the practice of excluding women, the title of the earl of Marche would gradually be forgotten and neglected by them. But he was very unfortunate in this attempt. During the long conteſts with France, the injuſtice of the Salic law had been ſo much exclaimed againſt by the nation, that a contrary principle had taken deep root in the minds of men; and it was now become impoſſible to eradicate it. The ſame houſe of commons, therefore, in a ſubſequent ſeſſion, apprehenſive that they had overturned the foundations of the Engliſh government, and that they had opened the door to more civil wars than might enſue even from the irregular elevation of the houſe of Lancaſter, applied with ſuch earneſtneſs for a new ſettlement of the crown, that Henry yielded to their requeſt, and agreed to the ſucceſſion of the princeſſes of his family. A certain proof, that nobody was in his heart ſatisfied with the king's title to the crown, or knew on what principle to reſt it.

But though the commons, during this reign, ſhowed a laudable zeal for liberty in their tranſactions with the crown; their efforts againſt the church were ſtill more extraordinary, and ſeemed to anticipate very much the ſpirit which became ſo general in a little more than a century afterwards. I know that the credit of theſe paſſages reſts entirely on one ancient hiſtorian *; but that hiſtorian was contemporary, was a clergyman, and it was contrary to the intereſts of his order to preſerve the memory of ſuch tranſactions, much more to forge precedents, which poſterity might, ſome time, be tempted to imitate. This is a truth ſo evident, that the moſt likely way of accounting for the ſilence of the records on this head, is by ſuppoſing, that the authority of ſome churchmen was ſo great as to procure a razure, with regard to theſe circumſtances, which the indiſcretion of one of that order has happily preſerved to us.

In the ſixth of Henry, the commons, who had been required to grant ſupplies, propoſed in plain terms to the king, that he ſhould ſeize all the temporalities of the

* Walſingham.

church,

church, and employ them as a perpetual fund to ſerve the exigencies of the ſtate. They inſiſted, that the clergy poſſeſſed a third of the lands of the kingdom; that they contributed nothing to the public burdens; and that their riches tended only to diſqualify them from performing their miniſterial functions with proper zeal and attention. When this addreſs was preſented, the archbiſhop of Canterbury, who then attended the king, objected that the clergy, though they went not in perſon to the wars, ſent their vaſſals and tenants in all caſes of neceſſity; while, at the ſame time, they themſelves, who ſtaid at home, were employed night and day in offering up their prayers for the happineſs and proſperity of the ſtate. The ſpeaker ſmiled, and anſwered, without reſerve, that he thought the prayers of the church but a very ſlender ſupply. The archbiſhop, however, prevailed in the diſpute: The king diſcouraged the application of the commons: And the lords rejected the bill which the lower houſe had framed for ſtripping the church of her revenues.

The commons were not diſcouraged by this repulſe: In the eleventh of the king they returned to the charge with more zeal than before: They made a calculation of all the eccleſiaſtical revenues, which, by their account, amounted to 485,000 marks a year, and contained 18,400 ploughs of land. They propoſed to divide this property among fifteen new earls, 1500 knights, 6000 eſquires, and a hundred hoſpitals; beſides 20,000 pounds a-year, which the king might take for his own uſe: And they inſiſted, that the clerical functions would be better performed than at preſent, by 15,000 pariſh prieſts, paid at the rate of ſeven marks a-piece of yearly ſtipend. This application was accompanied with an addreſs for mitigating the ſtatutes enacted againſt the Lollards, which ſhows from what ſource the addreſs came. The king gave the commons a ſevere reply; and farther to ſatisfy the church, and to prove that he was quite in earneſt, he ordered a Lollard to be burned before the diſſolution of the parliament.

We have now related almoſt all the memorable tranſ-

actions of this reign, which was busy and active; but produced few events that deserve to be transmitted to posterity. The king was so much employed in defending his crown, which he had obtained by unwarrantable means, and possessed by a bad title, that he had little leisure too look abroad, or perform any action which might redound to the honour or advantage to the nation. His health declined some months before his death; he was subject to fits, which bereaved him, for the time, of his senses: And, though he was yet in the flower of his age, his end was visibly approaching. He expired at Westminster (20th March), in the forty-sixth year of his age, and the thirteenth of his reign.

The great popularity which Henry enjoyed before he attained the crown, and which had so much aided him in the acquisition of it, was entirely lost many years before the end of his reign; and he governed his people more by terror than by affection, more by his own policy than by their sense of duty or allegiance. When men came to reflect, in cool blood, on the crimes which had led him to the throne; the rebellion against his prince; the deposition of a lawful king, guilty sometimes, perhaps, of oppression, but more frequently of indiscretion; the exclusion of the true heir; the murder of his sovereign and near relation; these were such enormities as drew on him the hatred of his subjects, sanctified all the rebellions against him, and made the executions, though not remarkably severe, which he found necessary for the maintenance of his authority, appear cruel as well as iniquitous to the people. Yet, without pretending to apologize for these crimes, which must ever be held in detestation, it may be remarked, that he was insensibly led into this blamable conduct by a train of incidents, which few men possess virtue enough to withstand. The injustice with which his predecessor had treated him, in first condemning him to banishment, then despoiling him of his patrimony, made him naturally think of revenge, and of recovering his lost rights; the headlong zeal of the people hurried him into the throne; the care of his own security, as well as his ambition, made him an usurper; and the steps

ſteps have always been ſo few between the priſons of princes and their graves, that we need not wonder that Richard's fate was no exception to the general rule. All theſe conſiderations make Henry's ſituation, if he retained any ſenſe of virtue, much to be lamented; and the inquietude with which he poſſeſſed his envied greatneſs, and the remorſes by which, it is ſaid, he was continually haunted, render him an object of our pity, even when ſeated upon the throne. But it muſt be owned, that his prudence and vigilance and foreſight, in maintaining his power, were admirable: His command of temper remarkable: His courage, both military and political, without blemiſh: And he poſſeſſed many qualities which fitted him for his high ſtation, and which rendered his uſurpation of it, though pernicious in after-times, rather ſalutary, during his own reign, to the Engliſh nation.

Henry was twice married: By his firſt wife, Mary de Bohun, daughter and co-heir of the earl of Hereford, he had four ſons, Henry, his ſucceſſor in the throne, Thomas duke of Clarence, John duke of Bedford, and Humphrey duke of Gloceſter; and two daughters, Blanche and Philippa, the former married to the duke of Bavaria, the latter to the king of Denmark. His ſecond wife, Jane, whom he married after he was king, and who was daughter of the king of Navarre, and widow of the duke of Britanny, brought him no iſſue.

By an act of the fifth of this reign, it is made felony to cut out any perſon's tongue, or put out his eyes; crimes which, the act ſays, were very frequent. This ſavage ſpirit of revenge denotes a barbarous people; though, perhaps, it was increaſed by the prevailing factions and civil commotions.

Commerce was very little underſtood in this reign as in all the preceding. In particular, a great jealouſy prevailed againſt *merchant ſtrangers*; and many reſtraints were, by law, impoſed upon them; namely, that they ſhould lay out in Engliſh manufactures or commodities all the money acquired by the ſale of their goods; that they ſhould not buy or ſell with one another, and that

all

all their goods ſhould be diſpoſed of three months after importation. This laſt clauſe was found ſo inconvenient, that it was ſoon after repealed by parliament.

It appears that the expenſe of this king's houſehold amounted to the yearly ſum of 19,500l. money of that age.

Guicciardin tells us, that the Flemings, in this century, learned from Italy all the refinements in arts, which they taught the reſt of Europe. The progreſs, however, of the arts was ſtill very ſlow and backward in England.

CHAP. XIX.

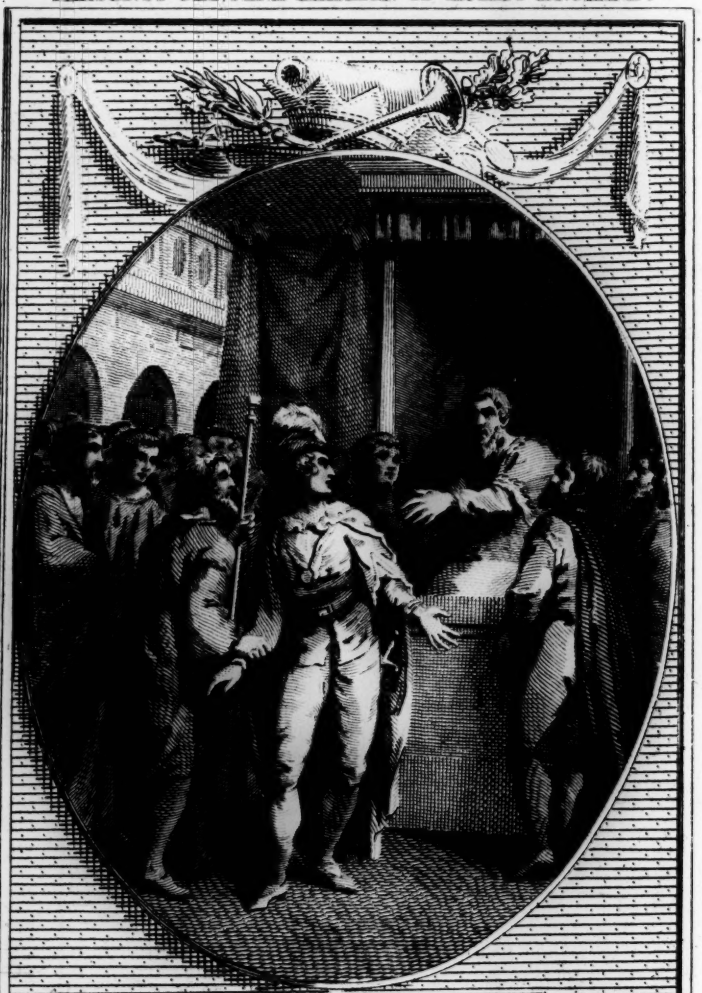
HENRY V.

The king's former diſorders—His reformation—The Lollards—Puniſhment of lord Cobham—State of France—Invaſion of that kingdom—Battle of Azincour—State of France—New invaſion of France—Aſſaſſination of the duke of Burgundy—Treaty of Troye—Marriage of the king—His death—and character—Miſcellaneous tranſactions during this reign.

THE many jealouſies to which Henry IV.'s ſituation naturally expoſed him, had ſo infected his temper, that he had entertained unreaſonable ſuſpicions with regard to the fidelity of his eldeſt ſon; and during the latter years of his life, he had excluded that prince from all ſhare in public buſineſs, and was even diſpleaſed to ſee him at the head of armies, where his martial talents, though uſeful to the ſupport of government, acquired him a renown, which, he thought, might prove dangerous to his own authority. The active ſpirit of young Henry, reſtrained from its proper exerciſe, broke out into extravagancies of every kind; and the riot of pleaſure, the frolic of debauchery, the outrage of wine, filled the vacancies of a mind, better adapted to the purſuits

Engraved by [illegible] from an Original Painting.

HENRY V.



VOLUME III, Page 309.
Judge Gascoyne ordering Prince Henry into Custody for insulting him on the Bench.

Ryley del. Engraved for T. Parsons, 21, Paternoster Row. Aug.t 1793. Sawyer sculp.

purſuits of ambition and the cares of government. This courſe of life threw him among companions, whoſe diſorders, if accompanied with ſpirit and humour, he indulged and ſeconded; and he was detected in many ſallies, which, to ſeverer eyes, appeared totally unworthy of his rank and ſtation. There even remains a tradition, that, when heated with liquor and jollity, he ſcrupled not to accompany his riotous aſſociates in attacking the paſſengers on the ſtreets and highways, and deſpoiling them of their goods; and he found an amuſement in the incidents which the terror and regret of theſe defenceleſs people produced on ſuch occaſions. This extreme of diſſoluteneſs proved equally diſagreeable to his father, as that eager application to buſineſs which had at firſt given him occaſion of jealouſy; and he ſaw, in his ſon's behaviour, the ſame neglect of decency, the ſame attachment to low company, which had degraded the perſonal character of Richard, and which, more than all his errors in government, had tended to overturn his throne. But the nation, in general, conſidered the young prince with more indulgence; and obſerved ſo many gleams of generoſity, ſpirit, and magnanimity, breaking continually through the cloud which a wild conduct threw over his character, that they never ceaſed hoping for his amendment; and they aſcribed all the weeds, which ſhot up in that rich ſoil, to the want of proper culture and attention in the king and his miniſters. There happened an incident which encouraged theſe agreeable views, and gave much occaſion for favourable reflections to all men of ſenſe and candour. A riotous companion of the prince's had been indicted before Gaſcoigne, the chief juſtice, for ſome diſorders; and Henry was not aſhamed to appear at the bar with the criminal, in order to give him countenance and protection. Finding that his preſence had not overawed the chief juſtice, he proceeded to inſult that magiſtrate on his tribunal; but Gaſcoigne, mindful of the character which he then bore, and the majeſty of the ſovereign and of the laws, which he ſuſtained, ordered the prince to be carried to priſon for his rude behaviour. The

ſpectators

ſpectators were agreeably diſappointed when they ſaw the heir of the crown ſubmit peaceably to this ſentence, make reparation for his error by acknowledging it, and check his impetuous nature in the midſt of its extravagant career.

The memory of this incident, and of many others of a like nature, rendered the proſpect of the future reign nowiſe diſagreeable to the nation, and increaſed the joy which the death of ſo unpopular a prince as the late king naturally occaſioned. The firſt ſteps taken by the young prince confirmed all thoſe prepoſſeſſions entertained in his favour. He called together his former companions, acquainted them with his intended reformation, exhorted them to imitate his example, but ſtrictly inhibited them, till they had given proofs of their ſincerity in this particular, from appearing any more in his preſence; and he thus diſmiſſed them with liberal preſents. The wiſe miniſters of his father, who had checked his riots, found that they had unknowingly been paying the higheſt court to him; and were received with all the marks of favour and confidence. The chief juſtice himſelf, who trembled to approach the royal preſence, met with praiſes inſtead of reproaches for his paſt conduct, and was exhorted to perſevere in the ſame rigorous and impartial execution of the laws. The ſurpriſe of thoſe who expected an oppoſite behaviour, augmented their ſatisfaction; and the character of the young king appeared brighter than if it had never been ſhaded by any errors.

But Henry was anxious not only to repair his own miſconduct, but alſo to make amends for thoſe iniquities into which policy or the neceſſity of affairs had betrayed his father. He expreſſed the deepeſt ſorrow for the fate of the unhappy Richard, did juſtice to the memory of that unfortunate prince, even performed his funeral obſequies with pomp and ſolemnity, and cheriſhed all thoſe who had diſtinguiſhed themſelves by their loyalty and attachment towards him. Inſtead of continuing the reſtraints which the jealouſy of his father had impoſed on the earl of Marche, he received that young

nobleman

nobleman with ſingular courteſy and favour; and by this magnanimity, ſo gained on the gentle and unambitious nature of his competitor, that he remained ever after ſincerely attached to him, and gave him no diſturbance in his future government. The family of Piercy was reſtored to its fortune and honours. The king ſeemed ambitious to bury all party-diſtinctions in oblivion: The inſtruments of the preceding reign, who had been advanced from their blind zeal for the Lancaſtrian intereſts, more than from their merits, gave place every-where to men of more honourable characters: Virtue ſeemed now to have an open career, in which it might exert itſelf: The exhortations, as well as example, of the prince gave it encouragement: All men were unanimous in their attachment to Henry; and the defects of his title were forgotten amidſt the perſonal regard which was univerſally paid to him.

There remained among the people only one party diſtinction, which was derived from religious differences, and which, as it is of a peculiar, and commonly a very obſtinate nature, the popularity of Henry was not able to overcome. The Lollards were every day increaſing in the kingdom, and were become a formed party, which appeared extremely dangerous to the church, and even formidable to the civil authority. The enthuſiaſm by which theſe ſectaries were generally actuated, the great alterations which they pretended to introduce, the hatred which they expreſſed againſt the eſtabliſhed hierarchy, gave an alarm to Henry; who, either from a ſincere attachment to the ancient religion, or from a dread of the unknown conſequences which attend all important changes, was determined to execute the laws againſt ſuch bold innovators. The head of this ſect was ſir John Oldcaſtle, lord Cobham, a nobleman who had diſtinguiſhed himſelf by his valour and his military talents, and had, on many occaſions, acquired the eſteem both of the late and of the preſent king. His high character and his zeal for the new ſect pointed him out to Arundel archbiſhop of Canterbury, as the proper victim of eccleſiaſtical ſeverity; whoſe puniſhment would

would ſtrike a terror into the whole party, and teach them that they muſt expect no mercy under the preſent adminiſtration. He applied to Henry for a permiſſion to indict lord Cobham; but the generous nature of the prince was averſe to ſuch ſanguinary methods of converſion. He repreſented to the primate, that reaſon and conviction were the beſt expedients for ſupporting truth; that all gentle means ought firſt to be tried in order to reclaim men from error; and that he himſelf would endeavour, by a converſation with Cobham, to reconcile him to the catholic faith. But he found that nobleman obſtinate in his opinions, and determined not to ſacrifice truths of ſuch infinite moment to his complaiſance for ſovereigns. Henry's principles of toleration, or rather his love of the practice, could carry him no farther; and he then gave full reins to eccleſiaſtical ſeverity againſt the inflexible hereſiarch. The primate indicted Cobham; and, with the aſſiſtance of his three ſuffragans, the biſhops of London, Wincheſter, and St. David's, condemned him to the flames for his erroneous opinions. Cobham, who was confined in the Tower, made his eſcape before the day appointed for his execution. The bold ſpirit of the man, provoked by perſecution and ſtimulated by zeal, was urged to attempt the moſt criminal enterpriſes; and his unlimited authority over the new ſect proved that he well merited the attention of the civil magiſtrate. He formed in his retreat very violent deſigns againſt his enemies; and deſpatching his emiſſaries to all quarters, appointed a general rendezvous of the party, in order to ſeize the perſon of the king at Eltham, and put their perſecutors to the ſword. Henry, apprized of their intention, removed to Weſtminſter (1414, 6th Jan.): Cobham was not diſcouraged by this diſappointment, but changed the place of rendezvous to the field near St. Giles's: The king, having ſhut the gates of the city, to prevent any reinforcement to the Lollards from that quarter, came into the field in the night-time, ſeized ſuch of the conſpirators as appeared, and afterwards laid hold of the ſeveral parties who were haſtening to the place appointed.

pointed. It appeared that a few only were in the ſecret of the conſpiracy: The reſt implicitly followed their leaders: But upon the trial of the priſoners, the treaſonable deſigns of the ſect were rendered certain, both from evidence, and from the confeſſion of the criminals themſelves. Some were executed; the greater number pardoned. Cobham himſelf, who made his eſcape by flight, was not brought to juſtice till four years after, when he was hanged as a traitor; and his body was burnt on the gibbet, in execution of the ſentence pronounced againſt him as a heretic. This criminal deſign, which was perhaps ſomewhat aggravated by the clergy, brought diſcredit upon the party, and checked the progreſs of that ſect, which had embraced the ſpeculative doctrines of Wickliffe, and at the ſame time aſpired to a reformation of eccleſiaſtical abuſes.

Theſe two points were the great objects of the Lollards; but the bulk of the nation was not affected in the ſame degree by both of them. Common ſenſe and obvious reflection had diſcovered to the people the advantages of a reformation in diſcipline; but the age was not yet ſo far advanced as to be ſeized with the ſpirit of controverſy, or to enter into thoſe abſtruſe doctrines which the Lollards endeavoured to propagate throughout the kingdom. The very notion of hereſy alarmed the generality of the people: Innovation in fundamental principles was ſuſpicious: Curioſity was not, as yet, a ſufficient counterpoiſe to authority: And even many, who were the greateſt friends to the reformation of abuſes, were anxious to expreſs their deteſtation of the ſpeculative tenets of the Wickliffites, which, they feared, threw diſgrace on ſo good a cauſe. This turn of thought appears evidently in the proceedings of the parliament which was ſummoned immediately after the detection of Cobham's conſpiracy. That aſſembly paſſed ſevere laws againſt the new heretics: They enacted, that whoever was convicted of Lollardy, before the ordinary, beſides ſuffering capital puniſhment according to the laws formerly eſtabliſhed, ſhould alſo forfeit his lands and goods to the king; and that the chancellor, treaſurer,

juſtices of the two benches, ſheriffs, juſtices of the peace, and all the chief magiſtrates, in every city and borough, ſhould take an oath to uſe their utmoſt endeavours for the extirpation of hereſy. Yet this very parliament, when the king demanded ſupply, renewed the offer formerly preſſed upon his father, and entreated him to ſeize all the eccleſiaſtical revenues, and convert them to the uſe of the crown. The clergy were alarmed: They could offer the king no bribe which was equivalent: They only agreed to confer on him all the priories alien, which depended on capital abbeys in Normandy, and had been bequeathed to theſe abbeys, when that province remained united to England: And Chicheley, now archbiſhop of Canterbury, endeavoured to divert the blow, by giving occupation to the king, and by perſuading him to undertake a war againſt France, in order to recover his loſt rights to that kingdom.

It was the dying injunction of the late king to his ſon, not to allow the Engliſh to remain long in peace, which was apt to breed inteſtine commotions; but to employ them in foreign expeditions, by which the prince might acquire honour; the nobility, in ſharing his dangers, might attach themſelves to his perſon; and all the reſtleſs ſpirits find occupation for their inquietude. The natural diſpoſition of Henry ſufficiently inclined him to follow this advice, and the civil diſorders of France, which had been prolonged beyond thoſe of England, opened a full career to his ambition.

(1415.) The death of Charles V. which followed ſoon after that of Edward III. and the youth of his ſon, Charles VI. put the two kingdoms for ſome time in a ſimilar ſituation; and it was not to be apprehended, that either of them, during a minority, would be able to make much advantage of the weakneſs of the other. The jealouſies alſo between Charles's three uncles, the dukes of Anjou, Berri, and Burgundy, had diſtracted the affairs of France rather more than thoſe between the dukes of Lancaſter, York, and Gloceſter, Richard's three uncles, diſordered thoſe of England; and had carried

carried off the attention of the French nation from any vigorous enterprise against foreign states. But in proportion as Charles advanced in years, the factions were composed; his two uncles; the dukes of Anjou and Burgundy, died; and the king himself, assuming the reins of government, discovered symptoms of genius and spirit, which revived the drooping hopes of his country. This promising state of affairs was not of long duration: The unhappy prince fell suddenly into a fit of frenzy, which rendered him incapable of exercising his authority; and though he recovered from this disorder, he was so subject to relapses, that his judgment was gradually but sensibly impaired, and no steady plan of government could be pursued by him. The administration of affairs was disputed between his brother, Lewis duke of Orleans, and his cousin-german, John duke of Burgundy: The propinquity to the crown pleaded in favour of the former: The latter, who, in right of his mother, had inherited the county of Flanders, which he annexed to his father's extensive dominions, derived a lustre from his superior power: The people were divided between these contending princes: And the king, now resuming, now dropping his authority, kept the victory undecided, and prevented any regular settlement of the state by the final prevalence of either party.

At length, the dukes of Orleans and Burgundy, seeming to be moved by the cries of the nation and by the interposition of common friends, agreed to bury all past quarrels in oblivion, and to enter into strict amity: They swore before the altar the sincerity of their friendship; the priest administered the sacrament to both of them; they gave to each other every pledge which could be deemed sacred among men: But all this solemn preparation was only a cover for the basest treachery, which was deliberately premeditated by the duke of Burgundy. He procured his rival to be assassinated in the streets of Paris: He endeavoured for some time to conceal the part which he took in the crime: But

being detected, he embraced a reſolution ſtill more criminal and more dangerous to ſociety, by openly avowing and juſtifying it. The parliament itſelf of Paris, the tribunal of juſtice, heard the harangues of the duke's advocate in defence of aſſaſſination, which he termed tyrannicide; and that aſſembly, partly influenced by faction, partly overawed by power, pronounced no ſentence of condemnation againſt this deteſtable doctrine. The ſame queſtion was afterwards agitated before the council of Conſtance; and it was with difficulty that a feeble deciſion, in favour of the contrary opinion, was procured from theſe fathers of the church, the miniſters of peace and of religion. But the miſchievous effects of that tenet, had they been before anywiſe doubtful, appeared ſufficiently from the preſent incidents. The commiſſion of this crime, which deſtroyed all truſt and ſecurity, rendered the war implacable between the French parties, and cut off every means of peace and accommodation. The princes of the blood, combining with the young duke of Orleans and his brothers, made violent war on the duke of Burgundy; and the unhappy king, ſeized ſometimes by one party, ſometimes by the other, transferred alternately to each of them the appearance of legal authority. The provinces were laid waſte by mutual depredations: Aſſaſſinations were every-where committed from the animoſity of the ſeveral leaders; or, what was equally terrible, executions were ordered, without any legal or free trial, by pretended courts of judicature. The whole kingdom was diſtinguiſhed into two parties, the Burgundians and the Armagnacs; ſo the adherents of the young duke of Orleans were called, from the count of Armagnac, father-in-law to that prince. The city of Paris, diſtracted between them, but inclining more to the Burgundians, was a perpetual ſcene of blood and violence; the king and royal family were often detained captives in the hands of the populace; their faithful miniſters were butchered or impriſoned before their face; and it was dangerous for any man, amidſt theſe enraged factions,

factions, to be distinguished by a strict adherence to the principles of probity and honour.

During this scene of general violence, there rose into some consideration a body of men, which usually makes no figure in public transactions even during the most peaceful times; and that was the university of Paris, whose opinion was sometimes demanded, and more frequently offered, in the multiplied disputes between the parties. The schism, by which the church was at that time divided, and which occasioned frequent controversies in the university, had raised the professors to an unusual degree of importance; and this connection between literature and superstition had bestowed on the former a weight, to which reason and knowledge are not, of themselves, anywise entitled among men. But there was another society whose sentiments were much more decisive at Paris, the fraternity of butchers, who, under the direction of their ringleaders, had declared for the duke of Burgundy, and committed the most violent outrages against the opposite party. To counterbalance their power, the Armagnacs made interest with the fraternity of carpenters; the populace ranged themselves on one side or the other; and the fate of the capital depended on the prevalence of either party.

The advantage which might be made of these confusions, was easily perceived in England; and according to the maxims which usually prevail among nations, it was determined to lay hold of the favourable opportunity. The late king, who was courted by both the French parties, fomented the quarrel, by alternately sending assistance to each; but the present sovereign, impelled by the vigour of youth and the ardour of ambition, determined to push his advantages to a greater length, and to carry violent war into that distracted kingdom. But while he was making preparations for this end, he tried to effect his purpose by negotiation; and he sent over ambassadors to Paris, offering a perpetual peace and alliance; but demanding Catharine, the French king's daughter, in marriage, two millions of crowns as her portion, one million six hundred thousand

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During this ſcene of general violence, there roſe into ſome conſideration a body of men, which uſually makes no figure in public tranſactions even during the moſt peaceful times; and that was the univerſity of Paris, whoſe opinion was ſometimes demanded, and more frequently offered, in the multiplied diſputes between the parties. The ſchiſm, by which the church was at that time divided, and which occaſioned frequent controverſies in the univerſity, had raiſed the profeſſors to an unuſual degree of importance; and this connection between literature and ſuperſtition had beſtowed on the former a weight, to which reaſon and knowledge are not, of themſelves, anywiſe entitled among men. But there was another ſociety whoſe ſentiments were much more deciſive at Paris, the fraternity of butchers, who, under the direction of their ringleaders, had declared for the duke of Burgundy, and committed the moſt violent outrages againſt the oppoſite party. To counterbalance their power, the Armagnacs made intereſt with the fraternity of carpenters; the populace ranged themſelves on one ſide or the other; and the fate of the capital depended on the prevalence of either party.

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as the arrears of king John's ranſom, and the immediate poſſeſſion and full ſovereignty of Normandy, and of all the other provinces which had been raviſhed from England by the arms of Philip Auguſtus; together with the ſuperiority of Britanny and Flanders. Such exorbitant demands ſhow that he was ſenſible of the preſent miſerable condition of France; and the terms offered by the French court, though much inferior, diſcover their conſciouſneſs of the ſame melancholy truth. They were willing to give him the princeſs in marriage, to pay him eight hundred thouſand crowns, to reſign the entire ſovereignty of Guienne, and to annex to that province the country of Perigord, Rovergue, Xaintonge, the Angoumois, and other territories *. As Henry rejected theſe conditions, and ſcarcely hoped that his own demands would be complied with, he never intermitted a moment his preparations for war; and having aſſembled a great fleet and army at Southampton, having invited all the nobility and military men in the kingdom to attend him by the hopes of glory and of conqueſt, he came to the ſea-ſide, with a purpoſe of embarking on his expedition.

But while Henry was meditating conqueſts upon his neighbours, he unexpectedly found himſelf in danger from a conſpiracy at home, which was happily detected in its infancy. The earl of Cambridge, ſecond ſon of the late duke of York, having eſpouſed the ſiſter of the earl of Marche, had zealouſly embraced the intereſts of that family; and had held ſome conferences with lord Scrope of Maſham, and ſir Thomas Grey of Heton, about the means of recovering to that nobleman his right to the crown of England. The conſpirators, as ſoon as

* It is reported by ſome hiſtorians, that the dauphin, in deriſion of Henry's claims and diſſolute character, ſent him a box of tennis-balls, intimating that theſe implements of play were better adapted to him than the inſtruments of war. But this ſtory is by no means credible; the great offers made by the court of France ſhow that they had already entertained a juſt idea of Henry's character, as well as of their own ſituation.

detected,

detected, acknowledged their guilt to the king; and Henry proceeded without delay to their trial and condemnation. The utmoſt that could be expected of the beſt king in thoſe ages, was, that he would ſo far obſerve the eſſentials of juſtice, as not to make an innocent perſon a victim to his ſeverity: But as to the formalities of law, which are often as material as the eſſentials themſelves, they were ſacrificed without ſcruple to the leaſt intereſt or convenience. A jury of commoners was ſummoned: The three conſpirators were indicted before them: The conſtable of Southampton caſtle ſwore that they had ſeparately confeſſed their guilt to him: Without other evidence, ſir Thomas Grey was condemned and executed: But as the earl of Cambridge and lord Scrope pleaded the privilege of their peerage, Henry thought proper to ſummon a court of eighteen barons, in which the duke of Clarence preſided: The evidence given before the jury was read to them: The priſoners, though one of them was a prince of the blood, were not examined, nor produced in court, nor heard in their own defence; but received ſentence of death upon this proof, which was every way irregular and unſatisfactory; and the ſentence was ſoon after executed. The earl of Marche was accuſed of having given his approbation to the conſpiracy, and received a general pardon from the king. He was probably either innocent of the crime imputed to him, or had made reparation by his early repentance and diſcovery.

The ſucceſſes which the arms of England have, in different ages, obtained over thoſe of France, have been much owing to the favourable ſituation of the former kingdom. The Engliſh, happily ſeated in an iſland, could make advantage of every misfortune which attended their neighbours, and were little expoſed to the danger of repriſals. They never left their own country but when they were conducted by a king of extraordinary genius, or found their enemy divided by inteſtine factions, or were ſupported by a powerful alliance on the continent; and as all theſe circumſtances concurred at preſent to favour their enterpriſe, they had reaſon to

expect

expect from it proportionable ſucceſs. The duke of Burgundy, expelled France by a combination of the princes, had been ſecretly ſoliciting the alliance of England; and Henry knew that this prince, though he ſcrupled at firſt to join the inveterate enemy of his country, would willingly, if he ſaw any probability of ſucceſs, both aſſiſt him with his Flemiſh ſubjects, and draw over to the ſame ſide all his numerous partiſans in France. Truſting therefore to this circumſtance, but without eſtabliſhing any concert with the duke, he put to ſea, and landed near Harfleur (14th Auguſt), at the head of an army of 6000 men at arms, and 24,000 foot, moſtly archers. He immediately began the ſiege of that place, which was valiantly defended by d'Eſtoüteville, and under him by de Guitri, de Gaucourt, and others of the French nobility: But as the garriſon was weak, and the fortifications in bad repair, the governor was at laſt obliged to capitulate; and he promiſed to ſurrender the place if he received no ſuccour before the eighteenth of September. The day came, and there was no appearance of a French army to relieve him. Henry, taking poſſeſſion of the town, placed a garriſon in it, and expelled all the French inhabitants, with an intention of peopling it anew with Engliſh.

The fatigues of this ſiege, and the unuſual heat of the ſeaſon, had ſo waſted the Engliſh army, that Henry could enter on no farther enterpriſe; and was obliged to think of returning into England. He had diſmiſſed his tranſports, which could not anchor in an open road upon the enemy's coaſts: And he lay under a neceſſity of marching by land to Calais, before he could reach a place of ſafety. A numerous French army of 14,000 men at arms, and 40,000 foot, was by this time aſſembled in Normandy under the conſtable d'Albret; a force which, if prudently conducted, was ſufficient either to trample down the Engliſh in the open field, or to haraſs and reduce to nothing their ſmall army, before they could finiſh ſo long and difficult a march. Henry, therefore, cautiouſly offered to ſacrifice his conqueſt of Harfleur for a ſafe paſſage to Calais; but his propoſal being

being rejected, he determined to make his way by valour and conduct through all the oppoſition of the enemy. That he might not diſcourage his army by the appearance of flight, or expoſe them to thoſe hazards which naturally attend precipitate marches, he made ſlow and deliberate journies, till he reached the Somme, which he purpoſed to paſs at the ford of Blanquetague, the ſame place where Edward, in a like ſituation, had before eſcaped from Philip de Valois. But he found the ford rendered impaſſable by the precaution of the French general, and guarded by a ſtrong body on the oppoſite bank; and he was obliged to march higher up the river, in order to ſeek for a ſafe paſſage. He was continually haraſſed on his march by flying parties of the enemy; ſaw bodies of troops on the other ſide ready to oppoſe every attempt; his proviſions were cut off; his ſoldiers languiſhed with ſickneſs and fatigue; and his affairs ſeemed to be reduced to a deſperate ſituation: When he was ſo dextrous or ſo fortunate as to ſeize by ſurpriſe a paſſage near St. Quintin, which had not been ſufficiently guarded, and he ſafely carried over his army.

Henry then bent his march northwards to Calais; but he was ſtill expoſed to great and imminent danger from the enemy, who had alſo paſſed the Somme, and threw themſelves full in his way, with a purpoſe of intercepting his retreat. After he had paſſed the ſmall river of Ternois at Blangi (25th October), he was ſurpriſed to obſerve from the heights the whole French army drawn up in the plains of Azincour, and ſo poſted, that it was impoſſible for him to proceed on his march without coming to an engagement. Nothing in appearance could be more unequal than the battle, upon which his ſafety and all his fortunes now depended. The Engliſh army was little more than half the number which had diſembarked at Harfleur; and they laboured under every diſcouragement and neceſſity. The enemy was four times more numerous; was headed by the dauphin and all the princes of the blood; and was plentifully ſupplied with proviſions of every kind. Henry's ſituation was exactly ſimilar to that of Edward at Crecy, and

that

that of the Black Prince at Poictiers; and the memory of theſe great events, inſpiring the Engliſh with courage, made them hope for a like deliverance from their preſent difficulties. The king likewiſe obſerved the ſame prudent conduct which had been followed by theſe great commanders: He drew up his army on a narrow ground between two woods, which guarded each flank; and he patiently expected in that poſture the attack of the enemy.

Had the French conſtable been able, either to reaſon juſtly upon the preſent circumſtances of the two armies, or to profit by paſt experience, he had declined a combat, and had waited till neceſſity, obliging the Engliſh to advance, had made them relinquiſh the advantages of their ſituation. But the impetuous valour of the nobility, and a vain confidence in ſuperior numbers, brought on this fatal action, which proved the ſource of infinite calamities to their country. The French archers on horſeback, and their men at arms, crowded in their ranks, advanced upon the Engliſh archers, who had fixed palliſadoes in their front to break the impreſſion of the enemy, and who ſafely plyed them, from behind that defence, with a ſhower of arrows, which nothing could reſiſt. The clay ſoil, moiſtened by ſome rain which had lately fallen, proved another obſtacle to the force of the French cavalry: The wounded men and horſes diſcompoſed their ranks: The narrow compaſs in which they were pent, hindered them from recovering any order: The whole army was a ſcene of confuſion, terror, and diſmay: And Henry, perceiving his advantage, ordered the Engliſh archers, who were light and unincumbered, to advance upon the enemy, and ſeize the moment of victory. They fell with their battle-axes upon the French, who, in their preſent poſture, were incapable either of flying or of making defence: They hewed them in pieces without reſiſtance; and being ſeconded by the men at arms, who alſo puſhed on againſt the enemy, they covered the field with the killed, wounded, diſmounted, and overthrown. After all appearance of oppoſition was over, the Engliſh had leiſure to make priſoners,

priſoners, and having advanced with uninterrupted ſucceſs to the open plain, they there ſaw the remains of the French rear-guard, which ſtill maintained the appearance of a line of battle. At the ſame time they heard an alarm from behind: Some gentlemen of Picardy, having collected about 600 peaſants, had fallen upon the Engliſh baggage, and were doing execution on the unarmed followers of the camp, who fled before them. Henry, ſeeing the enemy on all ſides of him, began to entertain apprehenſions from his priſoners; and he thought it neceſſary to iſſue general orders for putting them to death: But on diſcovering the truth, he ſtopped the ſlaughter, and was ſtill able to ſave a great number.

No battle was ever more fatal to France, by the number of princes and nobility ſlain or taken priſoners. Among the former were the conſtable himſelf, the count of Nevers and the duke of Brabant, brothers to the duke of Burgundy, the count of Vaudemont, brother to the duke of Lorraine, the duke of Alençon, the duke of Barre, the count of Marle. The moſt eminent priſoners were the dukes of Orleans and Bourbon, the counts d'Eu, Vendôme, and Richemont, and the mareſchal of Boucicaut. An archbiſhop of Sens alſo was ſlain in this battle. The killed are computed on the whole to have amounted to ten thouſand men; and as the ſlaughter fell chiefly upon the cavalry, it is pretended, that of theſe eight thouſand were gentlemen. Henry was maſter of 14,000 priſoners. The perſon of chief note, who fell among the Engliſh, was the duke of York, who periſhed fighting by the king's ſide, and had an end more honourable than his life. He was ſucceeded in his honours and fortune by his nephew, ſon of the earl of Cambridge, executed in the beginning of the year. All the Engliſh who were ſlain exceeded not forty; though ſome writers, with greater probability, make the number more conſiderable.

The three great battles of Crecy, Poictiers, and Azincour, bear a ſingular reſemblance to each other in their moſt conſiderable circumſtances. In all of them, there appears the ſame temerity in the Engliſh princes, who

who without any object of moment, merely for the ſake of plunder, had ventured ſo far into the enemies country as to leave themſelves no retreat; and unleſs ſaved by the utmoſt imprudence in the French commanders, were, from their very ſituation, expoſed to inevitable deſtruction. But allowance being made for this temerity, which, according to the irregular plans of war followed in thoſe ages, ſeems to have been, in ſome meaſure, unavoidable; there appears, in the day of action, the ſame preſence of mind, dexterity, courage, firmneſs, and precaution, on the part of Engliſh: The ſame precipitation, confuſion, and vain confidence, on the part of the French: And the events were ſuch as might have been expected from ſuch oppoſite conduct. The immediate conſequences too of theſe three great victories were ſimilar: Inſtead of puſhing the French with vigour, and taking advantage of their conſternation, the Engliſh princes, after their victory, ſeem rather to have relaxed their efforts, and to have allowed the enemy leiſure to recover from his loſſes. Henry interrupted not his march a moment after the battle of Azincour; he carried his priſoners to Calais, thence to England; he even concluded a truce with the enemy; and it was not till after an interval of two years that any body of Engliſh troops appeared in France.

The poverty of all the European princes, and the ſmall reſources of their kingdoms, were the cauſe of theſe continual interruptions in their hoſtilities; and though the maxims of war were in general deſtructive, their military operations were mere incurſions, which, without any ſettled plan, they carried on againſt each other. The luſtre, however, attending the victory of Azincour, procured ſome ſupplies from the Engliſh parliament, though ſtill unequal to the expenſes of a campaign. They granted Henry an entire fifteenth of moveables; and they conferred on him, *for life*, the duties of tonnage and poundage, and the ſubſidies on the exportation of wool and leather. This conceſſion is more conſiderable than that which had been granted to

Richard II. by his laſt parliament, and which was afterwards, on his depoſition, made ſo great an article of charge againſt him.

But during this interruption of hoſtilities from England, France was expoſed to all the furies of civil war; and the ſeveral parties became every day more enraged againſt each other. The duke of Burgundy, confident that the French miniſters and generals were entirely diſcredited by the misfortune at Azincour, advanced with a great army to Paris, and attempted to reinſtate himſelf in poſſeſſion of the government, as well as of the perſon of the king. But his partiſans in that city were overawed by the court, and kept in ſubjection: The duke deſpaired of ſucceſs; and he retired with his forces, which he immedataly diſbanded in the Low-Countries. (1417.) He was ſoon after invited to make a new attempt, by ſome violent quarrels which broke out in the royal family. The queen, Iſabella, daughter of the duke of Bavaria, who had been hitherto an inveterate enemy to the Burgundian faction, had received a great injury from the other party, which the implacable ſpirit of that princeſs was never able to forgive. The public neceſſities obliged the count of Armagnac, created conſtable of France in the place of d'Albret, to ſeize the great treaſures which Iſabella had amaſſed: And when ſhe expreſſed her diſpleaſure at this injury, he inſpired into the weak mind of the king ſome jealouſies concerning her conduct, and puſhed him to ſeize and put to the torture, and afterwards throw into the Seine, Bois-bourdon, her favourite, whom he accuſed of a commerce of gallantry with that princeſs. The queen herſelf was ſent to Tours, and confined under a guard; and, after ſuffering theſe multiplied inſults, ſhe no longer ſcrupled to enter into a correſpondence with the duke of Burgundy. As her ſon, the dauphin Charles, a youth of ſixteen, was entirely governed by the faction of Armagnac, ſhe extended her animoſity to him, and ſought his deſtruction with the moſt unrelenting hatred. She had ſoon an opportunity of rendering her unnatural purpoſe effectual. The

duke of Burgundy, in concert with her, entered France at the head of a great army: He made himſelf maſter of Amiens, Abbeville, Dourlens, Montreüil, and other towns in Picardy: Senlis, Rheims, Chalons, Troye, and Auxerre, declared themſelves of his party: He got poſſeſſion of Beaumont, Pontoiſe, Vernon, Meulant, Montlheri, towns in the neighbourhood of Paris; and carrying farther his progreſs towards the weſt, he ſeized Etampes, Chartres, and other fortreſſes; and was at laſt able to deliver the queen, who fled to Troye, and openly declared againſt thoſe miniſters who, ſhe ſaid, detained her huſband in captivity.

Meanwhile the partiſans of Burgundy raiſed a commotion in Paris, which always inclined to that faction. Lile-Adam, one of the duke's captains, was received into the city in the night-time, and headed the inſurrection of the people, which in a moment became ſo impetuous that nothing could oppoſe it. The perſon of the king was ſeized: The dauphin made his eſcape with difficulty: Great numbers of the faction of Armagnac were immediately butchered: The count himſelf, and many perſons of note, were thrown into priſon: Murders were daily committed from private animoſity, under pretence of faction: And the populace, not ſatiated with their fury, and deeming the courſe of public juſtice too dilatory, broke into the priſons, and put to death the count of Armagnac, and all the other nobility who were there confined.

While France was in ſuch furious combuſtion, and was ſo ill prepared to reſiſt a foreign enemy, Henry having collected ſome treaſure, and levied an army, landed in Normandy at the head of twenty-five thouſand men; and met with no conſiderable oppoſition from any quarter. (1418.) He made himſelf maſter of Falaiſe; Evreux and Caen ſubmitted to him; Pont de l'Arche opened its gates; and Henry, having ſubdued all the lower Normandy, and having received a reinforcement of fifteen thouſand men from England, formed the ſiege of Roüen, which was defended by a garriſon of four thouſand men, ſeconded by the inhabitants, to the number fifteen thouſand.

ſand. The cardinal des Urſins here attempted to incline him towards peace, and to moderate his pretenſions: But the king replied to him in ſuch terms, as ſhowed that he was fully ſenſible of all his preſent advantages: "Do "you not ſee," ſaid he, "that God has led me hither as "by the hand? France has no ſovereign: I have juſt "pretenſions to that kingdom: Every thing is here in "the utmoſt confuſion: No one thinks of reſiſting me. "Can I have a more ſenſible proof, that the Being who "diſpoſes of empires, has determined to put the crown "of France upon my head?"

But though Henry had opened his mind to this ſcheme of ambition, he ſtill continued to negotiate with his enemies, and endeavoured to obtain more ſecure, though leſs conſiderable advantages. He made, at the ſame time, offers of peace to both parties; to the queen and duke of Burgundy on the one hand, who, having poſſeſſion of the king's perſon, carried the appearance of legal authority; and to the dauphin on the other, who, being the undoubted heir of the monarchy, was adhered to by every one that paid any regard to the true intereſts of their country. Theſe two parties alſo carried on a continual negotiation with each other. The terms propoſed on all ſides were perpetually varying: The events of the war, and the intrigues of the cabinet, intermingled with each other: And the fate of France remained long in this uncertainty. After many negotiations, Henry offered the queen and the duke of Burgundy to make peace with them, to eſpouſe the princeſs Catharine, and to accept of all the provinces ceded to Edward III. by the treaty of Bretigni, with the addition of Normandy, which he was to receive in full and entire ſovereignty. (1419.) Theſe terms were ſubmitted to: There remained only ſome circumſtances to adjuſt, in order to the entire completion of the treaty: But in this interval the duke of Burgundy ſecretly finiſhed his treaty with the dauphin; and theſe two princes agreed to ſhare the royal authority during king Charles's lifetime, and to unite their arms in order to expel foreign enemies.

This alliance, which ſeemed to cut off from Henry all hopes of farther ſucceſs, proved, in the iſſue, the moſt favourable event that could have happened for his pretenſions. Whether the dauphin and the duke of Burgundy were ever ſincere in their mutual engagements, is uncertain; but very fatal effects reſulted from their momentary and ſeeming union. The two princes agreed to an interview, in order to concert the means of rendering effectual their common attack on the Engliſh; but how both or either of them could with ſafety venture upon this conference, it ſeemed ſomewhat difficult to contrive. The aſſaſſination perpetrated by the duke of Burgundy, and ſtill more, his open avowal of the deed, and defence of the doctrine, tended to diſſolve all the bands of civil ſociety; and even men of honour, who deteſted the example, might deem it juſt, on a favourable opportunity, to retaliate upon the author. The duke, therefore, who neither dared to give, nor could pretend to expect, any truſt, agreed to all the contrivances for mutual ſecurity which were propoſed by the miniſters of the dauphin. The two princes came to Montereau: The duke lodged in the caſtle: The dauphin in the town, which was divided from the caſtle by the river Yonne: The bridge between them was choſen for the place of interview: Two high rails were drawn acroſs the bridge: The gates on each ſide were guarded, one by the officers of the dauphin, the other by thoſe of the duke: The princes were to enter into the intermediate ſpace by the oppoſite gates, accompanied each by ten perſons; and, with all theſe marks of diffidence, to conciliate their mutual friendſhip. But it appeared that no precautions are ſufficient where laws have no place, and where all principles of honour are utterly abandoned. Tannegui de Chatel, and others of the dauphin's retainers, had been zealous partiſans of the late duke of Orleans; and they determined to ſeize the opportunity of revenging on the aſſaſſin the murder of that prince: They no ſooner entered the rails, than they drew their ſwords and attacked the duke of Burgundy: His friends

friends were aſtoniſhed, and thought not of making any defence; and all of them either ſhared his fate, or were taken priſoners by the retinue of the dauphin.

The extreme youth of this prince made it doubtful whether he had been admitted into the ſecret of the conſpiracy: But as the deed was committed under his eye, by his moſt intimate friends, who ſtill retained their connexions with him, the blame of the action, which was certainly more imprudent than criminal, fell entirely upon him. The whole ſtate of affairs was every-where changed by this unexpected incident. The city of Paris, paſſionately devoted to the family of Burgundy, broke out into the higheſt fury againſt the dauphin. The court of king Charles entered from intereſt into the ſame views; and as all the miniſters of that monarch had owed their preferment to the late duke, and foreſaw their downfall if the dauphin ſhould recover poſſeſſion of his father's perſon, they were concerned to prevent, by any means, the ſucceſs of his enterpriſe. The queen, perſevering in her unnatural animoſity againſt her ſon, increaſed the general flame, and inſpired into the king, as far as he was ſuſceptible of any ſentiment, the ſame prejudices by which ſhe herſelf had long been actuated. But above all, Philip count of Charolois, now duke of Burgundy, thought himſelf bound, by every tie of honour and of duty, to revenge the murder of his father, and to proſecute the aſſaſſin to the utmoſt extremity. And in this general tranſport of rage, every conſideration of national and family intereſt was buried in oblivion by all parties: The ſubjection to a foreign enemy, the expulſion of the lawful heir, the ſlavery of the kingdom, appeared but ſmall evils if they led to the gratification of the preſent paſſion.

The king of England had, before the death of the duke of Burgundy, profited extremely by the diſtractions of France, and was daily making a conſiderable progreſs in Normandy. He had taken Roüen after an obſtinate ſiege: He had made himſelf maſter of Pontoiſe and Giſors: He even threatened Paris, and by the terror of his arms had obliged the court to remove to Troye:

And in the midſt of his ſucceſſes, he was agreeably ſurpriſed to find his enemies, inſtead of combining againſt him for their mutual defence, diſpoſed to ruſh into his arms, and to make him the inſtrument of their vengeance upon each other. A league was immediately concluded at Arras between him and the duke of Burgundy. This prince, without ſtipulating any thing for himſelf, except the proſecution of his father's murder, and the marriage of the duke of Bedford with his ſiſter, was willing to ſacrifice the kingdom to Henry's ambition; and he agreed to every demand made by that monarch. In order to finiſh this aſtoniſhing treaty, which was to transfer the crown of France to a ſtranger, Henry went to Troye (1420), accompanied by his brothers, the dukes of Clarence and Gloceſter; and was there met by the duke of Burgundy. The imbecility into which Charles had fallen, made him incapable of ſeeing any thing but through the eyes of thoſe who attended him; as they, on their part, ſaw every thing through the medium of their paſſions. The treaty, being already concerted among the parties, was immediately drawn, and ſigned, and ratified: Henry's will ſeemed to be a law throughout the whole negotiation: Nothing was attended to but his advantages.

The principal articles of the treaty were, that Henry ſhould eſpouſe the princeſs Catharine: That king Charles, during his lifetime, ſhould enjoy the title and dignity of king of France: That Henry ſhould be declared and acknowledged heir of the monarchy, and be entruſted with the preſent adminiſtration of the government: That that kingdom ſhould paſs to his heirs general: That France and England ſhould for ever be united under one king; but ſhould ſtill retain their ſeveral uſages, cuſtoms, and privileges: That all the princes, peers, vaſſals, and communities of France ſhould ſwear, that they would both adhere to the future ſucceſſion of Henry, and pay him preſent obedience as regent: That this prince ſhould unite his arms to thoſe of king Charles and the duke of Burgundy, in order to ſubdue the adherents of Charles, the pretended dauphin: And that theſe three princes

ſhould

ſhould make no peace or truce with him but by common conſent and agreement.

Such was the tenour of this famous treaty; a treaty which, as nothing but the moſt violent animoſity could dictate it, ſo nothing but the power of the ſword could carry into execution. It is hard to ſay whether its conſequences, had it taken effect, would have proved more pernicious to England or to France. It muſt have reduced the former kingdom to the rank of a province: It would have entirely disjointed the ſucceſſion of the latter, and have brought on the deſtruction of every deſcendant of the royal family; as the houſes of Orleans, Anjou, Alençon, Britanny, Bourbon, and of Burgundy itſelf, whoſe titles were preferable to that of the Engliſh princeſs, would, on that account, have been expoſed to perpetual jealouſy and perſecution from the ſovereign. There was even a palpable deficiency in Henry's claim, which no art could palliate. For, beſides the inſuperable objections to which Edward IIId's pretenſions were expoſed, *he* was not heir to that monarch: If female ſucceſſion were admitted, the right had devolved on the houſe of Mortimer: Allowing that Richard II. was a tyrant, and that Henry IVth's merits in depoſing him were ſo great towards the Engliſh, as to juſtify that nation in placing him on the throne; Richard had nowiſe offended France, and his rival had merited nothing of that kingdom: It could not poſſibly be pretended that the crown of France was become an appendage to that of England; and that a prince who, by any means, got poſſeſſion of the latter, was, without farther queſtion, entitled to the former. So that, on the whole, it muſt be allowed that Henry's claim to France was, if poſſible, ſtill more unintelligible than the title by which his father had mounted the throne of England.

But though all theſe conſiderations were overlooked, amidſt the hurry of paſſion by which the courts of France and Burgundy were actuated, they would neceſſarily revive during times of more tranquillity; and it behoved Henry to puſh his preſent advantages, and allow men no leiſure for reaſon or reflection. In a few days after

after he eſpouſed the princeſs Catharine: He carried his father-in-law to Paris, and put himſelf in poſſeſſion of that capital: He obtained, from the parliament and the three eſtates, a ratification of the treaty of Troye: He ſupported the duke of Burgundy in procuring a ſentence againſt the murderers of his father: And he immediately turned his arms, with ſucceſs, againſt the adherents of the dauphin, who, as ſoon as he heard of the treaty of Troye, took on him the ſtyle and authority of regent, and appealed to God and his ſword for the maintenance of his title.

The firſt place that Henry ſubdued was Sens, which opened its gates after a ſlight reſiſtance. With the ſame facility he made himſelf maſter of Montereau. The defence of Melun was more obſtinate: Barbaſan, the governor, held out for the ſpace of four months againſt the beſiegers; and it was famine alone which obliged him to capitulate. Henry ſtipulated to ſpare the lives of all the garriſon, except ſuch as were accomplices in the murder of the duke of Burgundy; and as Barbaſan himſelf was ſuſpected to be of the number, his puniſhment was demanded by Philip: But the king had the generoſity to intercede for him, and to prevent his execution.

The neceſſity of providing ſupplies, both of men and money, obliged Henry to go over to England; and he left the duke of Exeter, his uncle, governor of Paris during his abſence. The authority which naturally attends ſucceſs, procured from the Engliſh parliament a ſubſidy of a fifteenth; but, if we may judge by the ſcantineſs of the ſupply, the nation was nowiſe ſanguine on their king's victories; and in proportion as the proſpect of their union with France became nearer, they began to open their eyes and to ſee the dangerous conſequences with which that event muſt neceſſarily be attended. It was fortunate for Henry, that he had other reſources beſides pecuniary ſupplies from his native ſubjects. The provinces which he had already conquered maintained his troops; and the hopes of farther advantages allured to his ſtandard all men of ambitious

ſpirits

ſpirits in England, who deſired to ſignaliſe themſelves by arms. He levied a new army of twenty-four thouſand archers and four thouſand horſemen, and marched them to Dover, the place of rendezvous. Every thing had remained in tranquillity at Paris under the duke of Exeter; but there had happened, in another quarter of the kingdom, a misfortune which haſtened the king's embarkation.

The detention of the young king of Scots in England had hitherto proved advantageous to Henry; and, by keeping the regent in awe, had preſerved, during the whole courſe of the French war, the northern frontier in tranquillity. But when intelligence arrived in Scotland of the progreſs made by Henry, and the near proſpect of his ſucceſſion to the crown of France, the nation was alarmed, and foreſaw their own inevitable ruin, if the ſubjection of their ally left them to combat alone a victorious enemy, who was already ſo much ſuperior in power and riches. The regent entered into the ſame views; and though he declined an open rupture with England, he permitted a body of ſeven thouſand Scots, under the command of the earl of Buchan, his ſecond ſon, to be tranſported into France for the ſervice of the dauphin. To render this aid ineffectual, Henry had, in his former expedition, carried over the king of Scots, whom he obliged to ſend orders to his countrymen to leave the French ſervice; but the Scottiſh general replied, that he would obey no commands which came from a king in captivity, and that a prince, while in the hands of his enemy, was nowiſe entitled to authority. Theſe troops, therefore, continued ſtill to act under the earl of Buchan; and were employed by the dauphin to oppoſe the progreſs of the duke of Clarence in Anjou. The two armies encountered at Baugé: The Engliſh were defeated: The duke himſelf was ſlain by ſir Allan Swinton, a Scotch knight, who commanded a company of men at arms: And the earls of Somerſet *, Dorſet, and

* His name was John, and he was afterwards created duke of Somerſet. He was grandſon of John of Gaunt, duke of Lan-

and Huntingdon, were taken priſoners. This was the firſt action that turned the tide of ſucceſs againſt the Engliſh; and the dauphin, that he might both attach the Scotch to his ſervice, and reward the valour and conduct of the earl of Buchan, honoured that nobleman with the office of conſtable.

But the arrival of the king of England with ſo conſiderable an army, was more than ſufficient to repair this loſs. Henry was received at Paris with great expreſſions of joy; ſo obſtinate were the prejudices of the people: And he immediately conducted his army to Chartres, which had long been beſieged by the dauphin. That prince raiſed the ſiege on the approach of the Engliſh; and being reſolved to decline a battle, he retired with his army. Henry made himſelf maſter of Dreux without a blow: He laid ſiege to Meaux at the ſolicitation of the Pariſians, who were much incommoded by the garriſon of that place. This enterpriſe employed the Engliſh arms during the ſpace of eight months: The baſtard of Vaurus, governor of Meaux, diſtinguiſhed himſelf by an obſtinate defence; but was at laſt obliged to ſurrender at diſcretion. The cruelty of this officer was equal to his bravery: He was accuſtomed to hang, without diſtinction, all the Engliſh and Burgundians who fell into his hands: And Henry, in revenge of his barbarity, ordered him immediately to be hanged on the ſame tree which he had made the inſtrument of his inhuman executions.

This ſucceſs was followed by the ſurrender of many other places in the neighbourhood of Paris, which held for the dauphin: That prince was chaſed beyond the Loire, and he almoſt totally abandoned all the northern provinces: He was even purſued into the ſouth by the united arms of the Engliſh and Burgundians, and threatened with total deſtruction. Notwithſtanding the bravery and fidelity of his captains, he ſaw himſelf unequal to his enemies in the field; and found it neceſſary

Lancaſter. The earl of Dorſet was brother to Somerſet, and ſucceeded him in that title.

to

to temporiſe, and to avoid all hazardous actions with a rival, who had gained ſo much the aſcendant over him. And to crown all the other proſperities of Henry, his queen was delivered of a ſon, who was called by his father's name, and whoſe birth was celebrated by rejoicings no leſs pompous, and no leſs ſincere, at Paris than at London. The infant prince ſeemed to be univerſally regarded as the future heir of both monarchies.

(1422.) But the glory of Henry, when it had nearly reached the ſummit, was ſtopped ſhort by the hand of nature; and all his mighty projects vaniſhed into ſmoke. He was ſeized with a fiſtula, a malady which the ſurgeons at that time had not ſkill enough to cure; and he was at laſt ſenſible that his diſtemper was mortal, and that his end was approaching. He ſent for his brother the duke of Bedford, the earl of Warwic, and a few noblemen more, whom he had honoured with his friendſhip; and he delivered to them, in great tranquillity, his laſt will with regard to the government of his kingdom and family. He entreated them to continue, towards his infant ſon, the ſame fidelity and attachment which they had always profeſſed to himſelf during his lifetime, and which had been cemented by ſo many mutual good offices. He expreſſed his indifference on the approach of death; and though he regretted that he muſt leave unfiniſhed a work ſo happily begun, he declared himſelf confident, that the final acquiſition of France would be the effect of their prudence and valour. He left the regency of that kingdom to his elder brother the duke of Bedford; that of England to his younger, the duke of Gloceſter; and the care of his ſon's perſon to the earl of Warwic. He recommended to all of them a great attention to maintain the friendſhip of the duke of Burgundy; and adviſed them never to give liberty to the French princes taken at Azincour, till his ſon were of age, and could himſelf hold the reins of government. And he conjured them, if the ſucceſs of their arms ſhould not enable them to place young Henry on the throne of France, never, at leaſt, to make peace with that kingdom, unleſs the enemy, by the ceſſion of Normandy, and its annexation to the crown

crown of England, made compenſation for all the hazard and expenſe of his enterpriſe.

He next applied himſelf to his devotions, and ordered his chaplain to recite the ſeven penitential pſalms. When that paſſage of the fifty-firſt pſalm was read, *build thou the walls of Jeruſalem*; he interrupted the chaplain, and declared his ſerious intention, after he ſhould have fully ſubdued France, to conduct a cruſade againſt the infidels, and recover poſſeſſion of the Holy Land. So ingenious are men in deceiving themſelves, that Henry forgot, in thoſe moments, all the blood ſpilt by his ambition; and received comfort from this late and feeble reſolve, which, as the mode of theſe enterpriſes was now paſt, he certainly would never have carried into execution. He expired (31ſt Aug.) in the thirty-fourth year of his age and the tenth of his reign.

This prince poſſeſſed many eminent virtues; and if we give indulgence to ambition in a monarch, or rank it, as the vulgar are inclined to do, among his virtues, they were unſtained by any conſiderable blemiſh. His abilities appeared equally in the cabinet and in the field: The boldneſs of his enterpriſes was no leſs remarkable than his perſonal valour in conducting them. He had the talent of attaching his friends by affability, and of gaining his enemies by addreſs and clemency. The Engliſh, dazzled by the luſtre of his character, ſtill more than by that of his victories, were reconciled to the defects in his title: The French almoſt forgot that he was an enemy: And his care in maintaining juſtice in his civil adminiſtration, and preſerving diſcipline in his armies, made ſome amends to both nations for the calamities inſeparable from thoſe wars in which his ſhort reign was almoſt entirely occupied. That he could forgive the earl of Marche, who had a better title to the crown than himſelf, is a ſure indication of his magnanimity; and that the earl relied ſo entirely on his friendſhip, is no leſs a proof of his eſtabliſhed character for candour and ſincerity. There remain in hiſtory few inſtances of ſuch mutual truſt; and ſtill fewer where neither party found reaſon to repent it.

The

The exterior figure of this great prince, as well as his deportment, was engaging. His ſtature was ſomewhat above the middle ſize; his countenance beautiful; his limbs genteel and ſlender, but full of vigour; and he excelled in all warlike and manly exerciſes. He left, by his queen, Catharine of France, only one ſon, not full nine months old; whoſe misfortunes, in the courſe of his life, ſurpaſſed all the glories and ſucceſſes of his father.

In leſs than two months after Henry's death, Charles VI. of France, his father-in-law, terminated his unhappy life. He had, for ſeveral years, poſſeſſed only the appearance of royal authority: Yet was this mere appearance of conſiderable advantage to the Engliſh; and divided the duty and affections of the French between them and the dauphin. This prince was proclaimed and crowned king of France at Poictiers, by the name of Charles VII. Rheims, the place where this ceremony is uſually performed, was at that time in the hands of his enemies.

Catharine of France, Henry's widow, married, ſoon after his death, a Welſh gentleman, ſir Owen Tudor, ſaid to be deſcended from the ancient princes of that country: She bore him two ſons, Edmund and Jaſper, of whom the eldeſt was created earl of Richmond; the ſecond earl of Pembroke. The family of Tudor, firſt raiſed to diſtinction by this alliance, mounted afterwards the throne of England.

The long ſchiſm, which had divided the Latin church for near forty years, was finally terminated in this reign by the council of Conſtance; which depoſed the pope, John XXIII. for his crimes, and elected Martin V. in his place, who was acknowledged by almoſt all the kingdoms of Europe. This great and unuſual act of authority in the council gave the Roman pontiffs ever after a mortal antipathy to thoſe aſſemblies. The ſame jealouſy which had long prevailed in moſt European countries, between the civil ariſtocracy and monarchy, now alſo took place between the e powers in the eccleſiaſtical body. But the great ſeparation of the biſhops

in the ſeveral ſtates, and the difficulty of aſſembling them, gave the pope a mighty advantage, and made it more eaſy for him to centre all the powers of the hierarchy in his own perſon. The cruelty and treachery which attended the puniſhment of John Huſs and Jerome of Prague, the unhappy diſciples of Wickliffe, who, in violation of a ſafe-conduct, were burned alive for their errors by the council of Conſtance, prove this melancholy truth, that toleration is none of the virtues of prieſts in any form of eccleſiaſtical government. But as the Engliſh nation had little or no concern in theſe great tranſactions, we are here the more conciſe in relating them.

The firſt commiſſion of array which we meet with, was iſſued in this reign. The military part of the feudal ſyſtem, which was the moſt eſſential circumſtance of it, was entirely diſſolved; and could no longer ſerve for the defence of the kingdom. Henry, therefore, when he went to France in 1415, empowered certain commiſſioners to take, in each county, a review of all the freemen able to bear arms, to divide them into companies, and to keep them in readineſs for reſiſting an enemy. This was the æra when the feudal militia in England gave place to one which was perhaps ſtill leſs orderly and regular.

We have an authentic and exact account of the ordinary revenue of the crown during this reign; and it amounts only to 55,714 pounds 10 ſhillings and 10 pence a year. This is nearly the ſame with the revenue of Henry III. and the kings of England had neither become much richer nor poorer in the courſe of ſo many years. The ordinary expenſe of the government amounted to 42,507 pounds 16 ſhillings and 10 pence: So that the king had a ſurplus only of 13,206 pounds 14 ſhillings for the ſupport of his houſehold; for his wardrobe; for the expenſe of embaſſies; and other articles. This ſum was nowiſe ſufficient: He was therefore obliged to have frequent recourſe to parliamentary ſupplies, and was thus, even in time of peace, not altogether independent of his people. But wars were

were attended with a great expenſe, which neither the prince's ordinary revenue, nor the extraordinary ſupplies, were able to bear; and the ſovereign was always reduced to many miſerable ſhifts, in order to make any tolerable figure in them. He commonly borrowed money from all quarters; he pawned his jewels, and ſometimes the crown itſelf; he ran in arrears to his army; and he was often obliged, notwithſtanding all theſe expedients, to ſtop in the midſt of his career of victory, and to grant truces to the enemy. The high pay which was given to ſoldiers agreed very ill with this low income. All the extraordinary ſupplies granted by parliament to Henry during the courſe of his reign were only ſeven tenths and fifteenths, about 203,000 pounds. It is eaſy to compute how ſoon this money muſt be exhauſted by armies of 24,000 archers, and 6000 horſe; when each archer had ſixpence a day *, and each horſeman two ſhillings. The moſt ſplendid ſucceſſes proved commonly fruitleſs, when ſupported by ſo poor a revenue; and the debts and difficulties which the king thereby incurred made him pay dear for his victories. The civil adminiſtration likewiſe, even in time of peace, could never be very regular, where the government was ſo ill enabled to ſupport itſelf. Henry, till within a year of his death, owed debts which he had contracted when prince of Wales. It was in vain that the parliament pretended to reſtrain him from arbitrary practices, when he was reduced to ſuch neceſſities. Though the right of levying purveyance, for inſtance, had been expreſly guarded againſt by the Great Charter itſelf, and was frequently complained of by the commons, it was found abſolutely impracticable to aboliſh it; and the parliament at length, ſubmitting to it as a legal prerogative, contented themſelves with enacting laws to limit and confine

* It appears from many paſſages of Rymer, that the king paid 20 marks a year for an archer, which is a good deal above ſixpence a day. The price had riſen, as is natural, by raiſing the denomination of money.

it. The duke of Glocester, in the reign of Richard II. poſſeſſed a revenue of 60,000 crowns (about 30,000 pounds a year of our preſent money), as we learn from Froiſſard, and was, conſequently, richer than the king himſelf, if all circumſtances be duly conſidered.

It is remarkable, that the city of Calais alone was an annual expenſe to the crown of 19,119 pounds; that is, above a third of the common charge of the government in time of peace. This fortreſs was of no uſe to the defence of England, and only gave that kingdom an inlet to annoy France. Ireland coſt two thouſand pounds a year, over and above its own revenue; which was certainly very low. Every thing conſpires to give us a very mean idea of the ſtate of Europe in thoſe ages.

From the moſt early times, till the reign of Edward III. the denomination of money had never been altered: A pound ſterling was ſtill a pound troy; that is, about three pounds of our preſent money. That conqueror was the firſt that innovated in this important article. In the twentieth of his reign he coined twenty-two ſhillings from a pound troy; in his twenty-ſeventh year he coined twenty-five ſhillings. But Henry V. who was alſo a conqueror, raiſed ſtill farther the denomination, and coined thirty ſhillings from a pound troy: His revenue, therefore, muſt have been about 110,000 pounds of our preſent money; and, by the cheapneſs of proviſions, was equivalent to above 330,000 pounds.

None of the princes of the houſe of Lancaſter ventured to impoſe taxes without conſent of parliament: Their doubtful or bad title became ſo far of advantage to the conſtitution. The rule was then fixed, and could not ſafely be broken afterwards, even by more abſolute princes.

NOTES

TO THE

THIRD VOLUME.

NOTE [A], p. 21.

THERE cannot be the leaſt queſtion, that the homage uſually paid by the kings of Scotland was not for their crown, but for ſome other territory. The only queſtion remains, what that territory was? It was not always for the earldom of Huntingdon, nor the honour of Penryth; becauſe we find it ſometimes done at a time when theſe poſſeſſions were not in the hands of the kings of Scotland. It is probable that the homage was performed in general terms, without any particular ſpecification of territory; and this inaccuracy had proceeded either from ſome diſpute between the two kings about the territory and ſome oppoſite claims, which were compromiſed by the general homage, or from the ſimplicity of the age, which employed few words in every tranſaction. To prove this we need but look into the letter of king Richard, where he reſigns the homage of Scotland, reſerving the uſual homage. His words are, *Sæpedictus W. Rex ligius homo noſter deveniat de omnibus terris de quibus anteceſſores ſui anteceſſorum noſtrorum ligii homines fuerunt, et nobis atque hæredibus noſtris fidelitatem jurarunt.* Theſe general terms were probably copied from the uſual form of the homage itſelf.

It is no proof that the kings of Scotland poſſeſſed no lands or baronies in England, becauſe we cannot find them in the imperfect hiſtories and records of that age. For inſtance, it clearly appears, from another paſſage of this very letter of Richard, that the Scottiſh king held lands both in the county of Huntingdon and elſewhere

in England; though the earldom of Huntingdon itſelf was then in the perſon of his brother David; and we know at preſent of no other baronies which William held. It cannot be expected that we ſhould now be able to ſpecify all his fees which he either poſſeſſed or claimed in England; when it is probable that the two monarchs themſelves, and their miniſters, would at that very time have differed in the liſt: The Scottiſh king might poſſeſs ſome to which his right was diſputed; he might claim others which he did not poſſeſs: And neither of the two kings was willing to reſign his pretenſions by a particular enumeration.

A late author of great induſtry and learning, but full of prejudices, and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scotch homage, and has pretended that it was done for Lothian and Galloway; that is, all the territories of the country now called Scotland, lying ſouth of the Clyde and Forth. But to refute this pretenſion at once, we need only conſider, that if theſe territories were held in fee of the Engliſh kings, there would, by the nature of the feudal law as eſtabliſhed in England, have been continual appeals from them to the courts of the lord paramount; contrary to all the hiſtories and records of that age. We find that, as ſoon as Edward really eſtabliſhed his ſuperiority, appeals immediately commenced from all parts of Scotland: And that king, in his writ to the king's bench, conſiders them as a neceſſary conſequence of the feudal tenure. Such large territories alſo would have ſupplied a conſiderable part of the Engliſh armies, which never could have eſcaped all the hiſtorians. Not to mention that there is not any inſtance of a Scotch priſoner of war being tried as a rebel, in the frequent hoſtilities between the kingdoms, where the Scottiſh armies were chiefly filled from the ſouthern counties.

Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, moſt of the ſouth-weſt counties of Scotland; his notion, I ſay, reſts on ſo ſlight a foundation, that it ſcarcely merits being refuted. He will

will have it (and merely becauſe he will have it) that the Cumberland, yielded by king Edmund to Malcolm I. meant not only the county in England of that name, but all the territory northwards to the Clyde. But the caſe of Lothian deſerves ſome more conſideration.

It is certain that, in very ancient language, Scotland means only the country north of the friths of Clyde and Forth. I ſhall not make a parade of literature to prove it; becauſe I do not find that this point is diſputed by the Scots themſelves. The ſouthern country was divided into Galloway and Lothian; and the latter comprehended all the ſouth-eaſt counties. This territory was certainly a part of the ancient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the Engliſh hiſtories, that the whole kingdom of Northumberland paid very little obedience to the Anglo-Saxon monarchs, who governed after the diſſolution of the Heptarchy; and the northern and remote parts of it ſeem to have fallen into a kind of anarchy, ſometimes pillaged by the Danes, ſometimes joining them in their ravages upon other parts of England. The kings of Scotland, lying nearer them, took at laſt poſſeſſion of the country, which had ſcarcely any government; and we are told by Matthew of Weſtminſter, p. 193. that king Edgar made a grant of the territory to Kenneth III. that is, he reſigned claims which he could not make effectual, without beſtowing on them more trouble and expenſe than they were worth: For theſe are the only grants of provinces made by kings; and ſo ambitious and active a prince as Edgar would never have made preſents of any other kind. Though Matthew of Weſtminſter's authority may appear ſmall with regard to ſo remote a tranſaction; yet we may admit it in this caſe, becauſe Ordericus Vitalis, a good authority, tells us that Malcolm acknowledged to William Rufus, that the Conqueror had confirmed to him the former grant of Lothian. But it follows not, becauſe Edgar made this ſpecies of grant

to

to Kenneth, that therefore he exacted homage for that territory. Homage, and all the rights of the feudal law, were very little known among the Saxons; and we may alſo ſuppoſe that the claim of Edgar was ſo antiquated and weak, that in reſigning it he made no very valuable conceſſion; and Kenneth might well refuſe to hold, by ſo precarious a tenure, a territory which he at preſent held by the ſword. In ſhort, no author ſays he did homage for it.

The only colour, indeed, of authority for Mr. Carte's notion is, that Matthew Paris, who wrote in the reign of Henry III. before Edward's claim of ſuperiority was heard of, ſays that Alexander III. did homage to Henry III. *pro Laudiano et aliis terris.* This word ſeems naturally to be interpreted Lothian. But, in the firſt place, Matthew Paris's teſtimony, though conſiderable, will not outweigh that of all the other hiſtorians, who ſay that the Scotch homage was always done for lands in England. Secondly, if the Scotch homage was done in general terms (as has been already proved), it is no wonder that hiſtorians ſhould differ in their account of the object of it, ſince it is probable the parties themſelves were not fully agreed. Thirdly, there is reaſon to think that *Laudianum*, in Matthew Paris, does not mean the Lothians now in Scotland. There appears to have been a territory which anciently bore that or a ſimilar name in the north of England. For (1) The Saxon Chronicle ſays, that Malcolm Kenmure met William Rufus in Lodene in England. (2) It is agreed by all hiſtorians, that Henry II. only reconquered from Scotland the northern counties of Northumberland, Cumberland, and Weſtmoreland. See Newbriggs, p. 383. Wykes, p. 30. Hemingford, p. 492. Yet the ſame country is called by other hiſtorians Loidis, comitatus Lodonenſis, or ſome ſuch name. See M. Paris, p. 68. M. Weſt. p. 247. Annal. Waverl. p. 159. and Diceto, p. 531. (3) This laſt mentioned author, when he ſpeaks of Lothian in Scotland, calls it Loheneis, though he had called the Engliſh territory Loidis.

I thought

I thought this long note neceſſary, in order to correct Mr. Carte's miſtake, an author whoſe diligence and induſtry has given light to many paſſages of the more ancient Engliſh hiſtory.

NOTE [B], p. 22.

IT is remarkable that the Engliſh chancellor ſpoke to the Scotch parliament in the French tongue. This was alſo the language commonly made uſe of by all parties on that occaſion. Some of the moſt conſiderable among the Scotch, as well as almoſt all the Engliſh barons, were of French origin; they valued themſelves upon it; and pretended to deſpiſe the language and manners of the iſland. It is difficult to account for the ſettlement of ſo many French families in Scotland, the Bruces, Baliols, St. Clairs, Montgomeries, Somervilles, Gordons, Fraſers, Cummins, Colvilles, Umfrevilles, Mowbrays, Hays, Maules, who were not ſupported there, as in England, by the power of the ſword. But the ſuperiority of the ſmalleſt civility and knowledge over total ignorance and barbariſm, is prodigious.

NOTE [C], p. 26.

SEE Rymer, vol. ii. p. 533. where Edward writes to the king's bench to receive appeals from Scotland. He knew the practice to be new and unuſual; yet he eſtabliſhes it as an infallible conſequence of his ſuperiority. We learn alſo from the ſame collection, p. 603. that immediately upon receiving the homage, he changed the ſtyle of his addreſs to the Scotch king, whom he now calls *dilecto & fideli*, inſtead of *fratri dilecto & fideli*, the appellation which he had always before uſed to him. This is a certain proof that he himſelf was not deceived, as was ſcarcely indeed poſſible, but that he was conſcious of his uſurpation. Yet he ſolemnly ſwore afterwards to the juſtice of his pretenſions, when he defended them before pope Boniface.

NOTE

NOTE [D], p. 41.

THROUGHOUT the reign of Edw. I. the aſſent of the commons is not once expreſſed in any of the enacting clauſes; nor in the reigns enſuing, till the 9 Edw. III. nor in any of the enacting clauſes of 16 Rich. II. Nay even ſo low as Hen. VI. from the beginning till the 8th of his reign, the aſſent of the commons is not once expreſſed in any enacting clauſe. If it ſhould be aſſerted, that the commons had really given their aſſent to theſe ſtatutes, though they are not expreſly mentioned, this very omiſſion, proceeding, if you will, from careleſſneſs, is a proof how little they were reſpected. The commons were ſo little accuſtomed to tranſact public buſineſs, that they had no ſpeaker till after the parliament 6th Edw. III. See Prynne's preface to Cotton's Abridg.: Not till the firſt of Richard II. in the opinion of moſt antiquaries. The commons were very unwilling to meddle in any ſtate affairs, and commonly either referred themſelves to the lords, or deſired a ſelect committee of that houſe to aſſiſt them, as appears from Cotton.

NOTE [E], p. 43.

IT was very agreeable to the maxims of all the feudal governments, that every order of the ſtate ſhould give their conſent to the acts which more immediately concerned them; and as the notion of a political ſyſtem was not then ſo well underſtood, the other orders of the ſtate were often not conſulted on theſe occaſions. In this reign even the merchants, though no public body, granted the king impoſitions on merchandiſe, becauſe the firſt payments came out of their pockets. They did the ſame in the reign of Edward III. but the commons had then obſerved that the people paid theſe duties, though the merchants advanced them; and they therefore remonſtrated againſt this practice. The taxes impoſed by the knights on the counties were always lighter than thoſe which the burgeſſes laid on the boroughs; a pre-

preſumption that in voting thoſe taxes the knights and burgeſſes did not form the ſame houſe. But there are ſo many proofs that thoſe two orders of repreſentatives were long ſeparate, that it is needleſs to inſiſt on them. Mr. Carte, who had carefully conſulted the rolls of parliament, affirms that they never appear to have been united till the 16th of Edward III. But it is certain that this union was not even then final: In 1372, the burgeſſes acted by themſelves, and voted a tax after the knights were diſmiſſed. In 1376 they were the knights alone who paſſed a vote for the removal of Alice Pierce from the king's perſon, if we may credit Walſingham. There is an inſtance of a like kind in the reign of Richard II. The different taxes voted by thoſe two branches of the lower houſe naturally kept them ſeparate: But as their petitions had moſtly the ſame object, namely, the redreſs of grievances, and the ſupport of law and juſtice, both againſt the crown and the barons, this cauſe as naturally united them, and was the reaſon why they at laſt joined in one houſe for the deſpatch of buſineſs. The barons had few petitions. Their privileges were of more ancient date: Grievances ſeldom affected them: They were themſelves the chief oppreſſors. In 1333, the knights by themſelves concurred with the biſhops and barons in adviſing the king to ſtay his journey into Ireland. Here was a petition which regarded a matter of ſtate, and was ſuppoſed to be above the capacity of the burgeſſes. The knights, therefore, acted apart in this petition. Chief baron Gilbert thinks, that the reaſon why taxes always began with the commons or burgeſſes was, that they were limited by the inſtructions of their boroughs.

NOTE [F], p. 43.

THE chief argument from ancient authority, for the opinion that the repreſentatives of boroughs preceded the forty-ninth of Henry III. is the famous petition of the borough of St. Albans firſt taken notice of by Selden, and then by Petyt, Brady, Tyrrel, and others. In this petition,

petition, preſented to the parliament in the reign of Edward II. the town of St. Albans aſſerts, that though they held *in capite* of the crown, and owed only for all other ſervice, their attendance in parliament, yet the ſheriff had omitted them in his writs; whereas both in the reign of the king's father, and all his predeceſſors, they had always ſent members. Now, ſay the defenders of this opinion, if the commencement of the houſe of commons were in Henry III.'s reign, this expreſſion could not have been uſed. But Madox, in his Hiſtory of the Exchequer, p. 522, 523, 524. has endeavoured, and with great reaſon, to deſtroy the authority of this petition for the purpoſe alleged. He aſſerts, firſt, That there was no ſuch tenure in England as that of holding by attendance in parliament, inſtead of all other ſervice. Secondly, That the borough of St. Albans never held of the crown at all, but was always demeſne land of the abbot. It is no wonder, therefore, that a petition which advances two falſehoods, ſhould contain one hiſtorical miſtake, which indeed amounts only to an inaccurate and exaggerated expreſſion; no ſtrange matter in ignorant burgeſſes of that age. Accordingly St. Albans continued ſtill to belong to the abbot. It never held of the crown till after the diſſolution of the monaſteries. But the aſſurance of theſe petitioners is remarkable. They wanted to ſhake off the authority of their abbot, and to hold of the king; but were unwilling to pay any ſervices even to the crown: Upon which they framed this idle petition, which later writers have made the foundation of ſo many inferences and concluſions. From the tenour of the petition it appears, that there was a cloſe connexion between holding of the crown, and being repreſented in parliament: The latter had ſcarcely ever place without the former: Yet we learn from Tyrrel's Append. vol. iv. that there were ſome inſtances to the contrary. It is not improbable that Edward followed the roll of the earl of Leiceſter, who had ſummoned, without diſtinction, all the conſiderable boroughs of the kingdom; among which there might be ſome few that did not hold of the crown. Edward alſo found it neceſſary to impoſe

taxes

taxes on all the boroughs in the kingdom without diſtinction. This was a good expedient for augmenting his revenue. We are not to imagine, becauſe the houſe of commons have ſince become of great importance, that the firſt ſummoning of them would form any remarkable and ſtriking epoch, and be generally known to the people even ſeventy or eighty years after. So ignorant were the generality of men in that age, that country burgeſſes would readily imagine an innovation, ſeemingly ſo little material, to have exiſted from time immemorial, becauſe it was beyond their own memory, and perhaps that of their fathers. Even the parliament in the reign of Henry V. ſay, that Ireland had, from the beginning of time, been ſubject to the crown of England. (See Brady.) And ſurely, if any thing intereſts the people above all others, it is war and conqueſts, with their dates and circumſtances.

NOTE [G], p. 185.

THIS ſtory of the ſix burgeſſes of Calais, like all other extraordinary ſtories, is ſomewhat to be ſuſpected; and ſo much the more, as Aveſbury, who is particular in his narration of the ſurrender of Calais, ſays nothing of it; and, on the contrary, extols in general the king's generoſity and lenity to the inhabitants. The numberleſs miſtakes of Froiſſard, proceeding either from negligence, credulity, or love of the marvellous, invalidate very much his teſtimony, even though he was a contemporary, and though his hiſtory was dedicated to queen Philippa herſelf. It is a miſtake to imagine, that the patrons of dedications read the books, much leſs vouch for all the contents of them. It is not a ſlight teſtimony that ſhould make us give credit to a ſtory ſo diſhonourable to Edward, eſpecially after that proof of his humanity, in allowing a free paſſage to all the women, children, and infirm people, at the beginning of the ſiege; at leaſt, it is ſcarcely to be believed, that if the ſtory has any foundation, he ſeriouſly meant to execute his menaces againſt the ſix townſmen of Calais.

NOTE [H], p. 189.

THERE was a ſingular inſtance about this time of the prevalence of chivalry and gallantry in the nations of Europe. A ſolemn duel of thirty knights againſt thirty was fought between Bembrough, an Engliſhman, and Beaumanoir, a Breton, of the party of Charles of Blois. The knights of the two nations came into the field; and before the combat began, Beaumanoir called out, that it would be ſeen that day *who had the faireſt miſtreſſes*. After a bloody combat, the Bretons prevailed; and gained for their prize full liberty to boaſt of their miſtreſſes beauty. It is remarkable, that two ſuch famous generals as ſir Robert Knolles and ſir Hugh Calverly drew their ſwords in this ridiculous conteſt. The women not only inſtigated the champions to thoſe rough if not bloody frays of tournament; but alſo frequented the tournaments during all the reign of Edward, whoſe ſpirit of gallantry encouraged this practice.

NOTE [I], p. 207.

THIS is a prodigious ſum, and probably near the half of what the king received from the parliament during the whole courſe of his reign. It muſt be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of his reign, fixed at about 29,000 pounds: There were ſaid to be near 30,000 ſacks of wool exported every year: A ſack of wool was, at a medium, ſold for five pounds. Upon theſe ſuppoſitions it would be eaſy to compute all the parliamentary grants, taking the liſt as they ſtand in Tyrrel, vol. iii. p. 780: Though ſomewhat muſt ſtill be left to conjecture. The king levied more money on his ſubjects than any of his predeceſſors; and the parliament frequently complain of the poverty of the people, and the oppreſſions under which they laboured. But it is to be remarked, that a third of the French king's ranſom was yet unpaid when war broke out anew between the two crowns: His ſon choſe rather to employ his money in combating the Engliſh, than in enriching them.

NOTE [K], p. 238.

IN the fifth year of the king *the commons complained of the government about the king's perſon, his court, the exceſſive number of his ſervants, of the abuſes in the Chancery, King's Bench, Common Pleas, Exchequer, and of grievous oppreſſions in the country, by the great multitudes of maintainers of quarrels* (men linked in confederacies together), *who behaved themſelves like kings in the country, ſo as there was very little law or right, and of the other things which they ſaid were the cauſe of the late commotions under Wat Tyler.* This irregular government, which no king and no houſe of commons had been able to remedy, was the ſource of the licentiouſneſs of the great, and turbulency of the people, as well as tyranny of the princes. If ſubjects would enjoy liberty, and kings ſecurity, the laws muſt be executed.

In the ninth of this reign the commons alſo diſcovered an accuracy and a jealouſy of liberty which we ſhould little expect in thoſe rude times. "It was agreed by "parliament," ſays Cotton, "that the ſubſidy of wools, "wool-fells, and ſkins, granted to the king until the time "of Midſummer then enſuing, ſhould ceaſe from the "ſame time unto the feaſt of St. Peter *ad vincula*; for "that thereby the king ſhould be interrupted for claiming ſuch grant as due."

NOTE [L], p. 248.

KNYGHTON, p. 2715, &c. The ſame author, p. 2680, tells us, that the king, in return to the meſſage, ſaid, that he would not, for their deſire, remove the meaneſt ſcullion from his kitchen. This author alſo tells us, that the king ſaid to the commiſſioners, when they harangued him, that he ſaw his ſubjects were rebellious, and his beſt way would be to call in the king of France to his aid. But it is plain that all theſe ſpeeches were either intended by Knyghton merely as an ornament to his hiſtory, or are falſe. For (1) When the five lords accuſe the king's miniſters in the next parliament, and

impute to them every raſh action of the king, they ſpeak nothing of theſe replies which are ſo obnoxious, were ſo recent, and are pretended to have been ſo public. (2) The king, ſo far from having any connexions at that time with France, was threatened with a dangerous invaſion from that kingdom. This ſtory ſeems to have been taken from the reproaches afterwards thrown out againſt him, and to have been transferred by the hiſtorians to this time, to which they cannot be applied.

NOTE [M], p. 250.

THE parliament, in 1341, exacted of Edward III. that, on the third day of every ſeſſion, the king ſhould reſume all the great offices; and that the miniſters ſhould then anſwer to any accuſation that ſhould be brought againſt them: Which plainly implies that, while miniſters, they could not be accuſed or impeached in parliament. Henry IV. told the commons, that the uſage of parliament required them firſt to go through the king's buſineſs in granting ſupplies; which order the king intended not to alter. Upon the whole, it muſt be allowed, that, according to ancient practice and principles, there are, at leaſt, plauſible grounds for all theſe opinions of the judges. It muſt be remarked, that this affirmation of Henry IV. was given deliberately, after conſulting the houſe of peers, who were much better acquainted with the uſage of parliament than the ignorant commons. And it has the greater authority, becauſe Henry IV. had made this very principle a conſiderable article of charge againſt his predeceſſor; and that a very few years before. So ill-grounded were moſt of the imputations thrown on the unhappy Richard!

NOTE [N], p. 253.

WE muſt except the 12th article, which accuſes Brembre of having cut off the heads of twenty-two priſoners, confined for felony or debt, without warrant or proceſs of law. But, as it is not conceivable what intereſt Brembre could have to treat theſe felons and debtors

debtors in ſuch a manner, we may preſume that the fact is either falſe, or miſrepreſented. It was in theſe men's power to ſay any thing againſt the perſons accuſed: No defence or apology was admitted: All was lawleſs will and pleaſure.

They are alſo accuſed of deſigns to murder the lords: But theſe accuſations either are general, or deſtroy one another. Sometimes, as in article 15th, they intend to murder them by means of the mayor and city of London: Sometimes, as in article 28th, by trial and falſe inqueſts: Sometimes, as in article 28th, by means of the king of France, who was to receive Calais for his pains.

NOTE [O], p. 254.

IN general, the parliament in thoſe days never paid a proper regard to Edward's ſtatute of treaſons, though one of the moſt advantageous laws for the ſubject that has ever been enacted. In the 17th of the king, *the dukes of Lancaſter and Gloceſter complain to Richard that ſir Thomas Talbot, with others of his adherents, conſpired the death of the ſaid dukes in divers parts of Cheſhire, as the ſame was confeſſed and well known; and praying that the parliament may judge of the fault. Whereupon the king and the lords in the parliament judged the ſame fact to be open and high treaſon: And hereupon they award two writs, the one to the ſheriff of York, and the other to the ſheriffs of Derby, to take the body of the ſaid ſir Thomas, returnable in the King's Bench in the month of Eaſter then enſuing. And open proclamation was made in Weſtminſter-hall, that upon the ſheriff's return, and at the next coming in of the ſaid ſir Thomas, the ſaid Thomas ſhould be convicted of treaſon, and incur the loſs and pain of the ſame: And all ſuch as ſhould receive him, after the proclamation, ſhould incur the ſame loſs and pain.* It is to be obſerved, that this extraordinary judgment was paſſed in a time of tranquillity. Though the ſtatute itſelf of Edward III. reſerves a power to the parliament to declare any new ſpecies of treaſon, it is not to be ſuppoſed that this power was reſerved to the houſe of lords

alone, or that men were to be judged by a law *ex poſt facto*. At leaſt, if ſuch be the meaning of the clauſe, it may be affirmed that men were at that time very ignorant of the firſt principles of law and juſtice.

NOTE [P], p. 260.

IN the preceding parliament the commons had ſhown a diſpoſition very complaiſant to the king; yet there happened an incident in their proceedings which is curious, and ſhows us the ſtate of the houſe during that period. The members were either country gentlemen or merchants, who were aſſembled for a few days, and were entirely unacquainted with buſineſs; ſo that it was eaſy to lead them aſtray, and draw them into votes and reſolutions very different from their intention. Some petitions concerning the ſtate of the nation were voted; in which, among other things, the houſe recommended frugality to the king; and for that purpoſe deſired that the court ſhould not be ſo much frequented as formerly by *biſhops* and *ladies*. The king was diſpleaſed with this freedom: The commons very humbly craved pardon: He was not ſatisfied unleſs they would name the mover of the petitions. It happened to be one Haxey, whom the parliament, in order to make atonement, condemned for this offence to die the death of a traitor. But the king, at the deſire of the archbiſhop of Canterbury and the prelates, pardoned him. When a parliament in thoſe times, not agitated by any faction, and being at entire freedom, could be guilty of ſuch monſtrous extravagance, it is eaſy to judge what might be expected from them in more trying ſituations. See Cotton's Abridg. p. 361, 362.

NOTE [Q], p. 272.

TO ſhow how little credit is to be given to this charge againſt Richard, we may obſerve, that a law, in the 13 Edw. III. had been enacted againſt the continuance of ſheriffs for more than one year: But the inconvenience of changes having afterwards appeared from experience,

experience, the commons, in the twentieth of this king, applied by petition, that the ſheriffs might be continued; though that petition had not been enacted into a ſtatute, by reaſon of other diſagreeable circumſtances which attended it. See Cotton, p. 361. It was certainly a very moderate exerciſe of the diſpenſing power in the king to continue the ſheriffs, after he found that that practice would be acceptable to his ſubjects, and had been applied for by one houſe of parliament: Yet is this made an article of charge againſt him by the preſent parliament. See art. 18. Walſingham, ſpeaking of a period early in Richard's minority, ſays, *But what do acts of parliament ſignify, when after they are made they take no effect; ſince the king, by the advice of the privy-council, takes upon him to alter, or wholly ſet aſide all thoſe things which by general conſent had been ordained in parliament?* If Richard, therefore, exerciſed the diſpenſing power, he was warranted by the examples of his uncles and grandfather, and, indeed, of all his predeceſſors from the time of Henry III. incluſive.

NOTE [R], p. 280.

THE following paſſage in Cotton's Abridgment, ſhows a ſtrange prejudice againſt the church and churchmen: *The commons afterwards coming into the parliament, and making their proteſtation, ſhowed, that for want of good redreſs about the king's perſon, in his houſehold, in all his courts, touching maintainers in every county, and purveyors, the commons were daily pilled, and nothing defended againſt the enemy, and that it ſhould ſhortly deprive the king, and undo the ſtate. Wherefore, in the ſame government they entirely require redreſs. Whereupon the king appointed ſundry biſhops, lords, and nobles, to ſit in privy-council about theſe matters: Who ſince that they muſt begin at the head, and go at the requeſt of the commons, they, in the preſence of the king, charged his confeſſor not to come into the court but upon the four principal feſtivals.* We ſhould little expect that a popiſh

popiſh privy-council, in order to preſerve the king's morals, ſhould order his confeſſor to be kept at a diſtance from him. This incident happened in the minority of Richard. As the popes had for a long time reſided at Avignon, and the majority of the ſacred college were Frenchmen, this circumſtance naturally increaſed the averſion of the nation to the papal power: But the prejudice againſt the Engliſh clergy cannot be accounted for from that cauſe.

THE END OF VOL. III.

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